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Washington, Saturday, September 8, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10285

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE DENVER & RIO GRANDE WESTERN RAILROAD COMPANY, INCLUDING THE DENVER & SALT LAKE RAILROAD COMPANY, OPERATED BY THE SECRETARY OF THE ARMY, AND CERTAIN WORKERS

WHEREAS a dispute exists between The Denver & Rio Grande Western Railroad Company, including the Denver & Salt Lake Railroad Company, a carrier under Federal management, and certain workers represented by the Brotherhood of Locomotive Engineers, a labor organization; and

WHEREAS by Executive Order No. 10155 of August 25, 1950, possession, control, and operation of the transportation system owned or operated by the said carrier, together with the transportation systems owned or operated by certain other carriers, were assumed by the President, through the Secretary of the Army; and

WHEREAS the said dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute threatens, in the judgment of the National Mediation Board, substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service, and also threatens to interfere with the operation by the Secretary of the Army of transportation systems taken pursuant to the said Executive Order No. 10155:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and the laws of the United States, including section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), and subject to the provisions of that section, I hereby create a board of three members, to be appointed by me, to investigate the said dispute. Nothing in this order shall be construed to derogate from the authority of the Secretary of the Army under the said Executive Order No. 10155.

The Board shall report its findings to the President with respect to the said dispute within thirty days from the date of this order.

In performing its functions under this order the Board shall comply with the requirements of section 502 of the Defense Production Act of 1950, as amended.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 6, 1951.

[F. R. Doc. 51-10901; Filed, Sept. 6, 1951; 2:26 p. m.]

EXECUTIVE ORDER 10286

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE PULLMAN COMPANY AND CERTAIN OF ITS EMPLOYEES

WHEREAS a dispute exists between the Pullman Company, a carrier, and certain of its employees represented by the Order of Railway Conductors of America, a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), I hereby create a board of three members, to be appointed by me, to investigate the said dispute. No member of the said board shall be pecuniarily or otherwise interested in any organization of employees or any carrier.

The board shall report its findings to the President with respect to the said dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE—Con.

made by the Pullman Company or its employees in the conditions out of which the said dispute arose.

In performing its functions under this order the Board shall comply with the requirements of section 502 of the Defense Production Act of 1950, as amended.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 6, 1951.

[F. R. Doc. 51-10902; Filed, Sept. 6, 1951; 2:26 p. m.]

EXECUTIVE ORDER 10287

REVOKING EXECUTIVE ORDER NO. 8034 OF JANUARY 14, 1939, AND ABOLISHING THE FEDERAL REAL ESTATE BOARD

By virtue of the authority vested in me as President of the United States, Executive Order No. 8034 of January 14, 1939, is hereby revoked and the Federal Real Estate Board established thereby is hereby abolished.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 6, 1951.

[F. R. Doc. 51-10941; Filed, Sept. 7, 1951; 10:43 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; DELAWARE AND MARYLAND

For the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values and investment limits set forth below for said counties.

DELAWARE

County	Average value	Investment limit
New Castle	$17,000	$12,000

MARYLAND

Anne Arundel	$12,000	$12,000
Baltimore	16,000	12,000
Calvert	13,000	11,000
Carroll	14,000	12,000
Dorchester	13,500	12,000
Garrett	12,000	12,000
Howard	15,000	12,000
Kent	16,000	12,000
Montgomery	18,000	12,000
Queen Annes	15,000	12,000
Washington	15,000	12,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

Issued this 4th day of September 1951.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 51-10844; Filed, Sept. 7, 1951; 8:51 a. m.]

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs

PART 517—FRUITS AND BERRIES, FRESH

SUBPART—LEMON EXPORT PAYMENT PROGRAM (FISCAL YEAR 1952)

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- 517.290 General statement.
- 517.291 Approved countries.
- 517.292 Rate of payment.
- 517.293 Eligibility for payment.
- 517.294 Claims supported by evidence of compliance.
- 517.295 Records and accounts.
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- 517.298 Set-off.
- 517.299 Assignment.
- 517.300 Definitions.

AUTHORITY: §§ 517.290 to 517.300 issued under sec. 32, 49 Stat. 774, as amended, sec. 112, 62 Stat. 146, as amended; 7 U. S. C. 612c, 22 U. S. C. Sup. 1510.

§ 517.290 *General statement.* (a) In order to encourage the exportation of lemons produced in the United States, the Secretary of Agriculture, pursuant to the authority conferred by section 32 of Public Law 320, 74th Congress, as amended, and section 112 (f) of the Foreign Assistance Act of 1948, offers to make payments to U. S. exporters of lemons produced in the United States which are sold and exported to an approved country as designated in § 517.291, subject to the terms and conditions set forth in §§ 517.291–517.300.

(b) Information pertaining to this offer and forms prescribed for use hereunder may be obtained from the following Representatives of the Secretary:

M. T. Coogan and Warren C. Noland,
Fruit and Vegetable Branch,
PMA, U. S. Department of Agriculture,
1206 Santee Street, 12th Floor,
Los Angeles 15, Calif.

F. M. Andary and Granville B. Coffman,
Fruit and Vegetable Branch,
PMA, U. S. Department of Agriculture,
Washington 25, D. C.

§ 517.291 *Approved countries.* An approved country is any country or area specifically named in this section.

Austria.	Japan.
Belgium.	Luxembourg.
Demark.	Malaya, Federation of.
Faroe Islands.	Netherlands.
Finland.	Norway.
France.	Philippines, The Rep. of the.
Monaco.	Sweden.
Germany, Fed. Rep. of (Trizone).	Switzerland.
Greenland.	United Kingdom of Great Britain and Northern Ireland.
Hong Kong.	
Iceland.	
Ireland.	

§ 517.292 *Rate of payment.* The rate of payment shall be the lowest of the following:

a. $1.75 per standard lemon box, or
b. 50 percent of the f. a. s. sales price per standard lemon box, or
c. 50 percent of the domestic market price at the time of sale and place of delivery, as determined by the Secretary.

The place of delivery, for the purpose of determining the domestic market price at the time of sale, shall be a United States port of export which is on the seaboard nearest the area of production from which the fruit originates. The total amount, f. a. s. U. S. port, invoiced the foreign buyer and the Secretary shall not exceed the f. a. s. sales price.

§ 517.293 *Eligibility for payment*—(a) *Dates of sale and of export.* No payment hereunder will be made in connection with any sale of lemons for export unless the date of sale (see § 517.300 (d)) is on or after the effective date of this offer, and the lemons are exported on or after the date of such sale and prior to the date specified in paragraph (h) of this section, except that a sales contract made prior to the effective date of this offer and expressly made contingent upon the Secretary's issuing this or a similar offer will be deemed to be a sale made after such effective date if after such effective date the parties to such contract make the sale binding unconditionally by confirmation or otherwise and if no exportations were made pursuant to such sale prior to such effective date. A sale made subject to the condition that the Representative of the Secretary will approve the Application for Export Payment (§ 517.293 (c)) will be deemed a sale pursuant to this program, and since available funds are limited exporters may find it advisable to make their sales subject to this condition. Lemons shall be deemed to have been exported when loaded on board the exporting carrier provided such lemons are not thereafter unloaded from such carrier in the United States, its territories or possessions. The date of export of any lot shall be considered to be the date of loading on board the exporting carrier on which movement of such lot from the United States is effected. The date of the on-board bill of lading (or loading tally sheet, see § 517.294 (a) (3)) shall be considered to be the date the lemons were loaded on board, unless an "on-board" date is shown.

(b) *Minimum size of lot.* No payment will be made hereunder for the exportation of any lot of less than one hundred (100) standard boxes. A lot is that quantity of lemons loaded to any one export carrier at any one departure consigned to any one destination under any one export sale.

(c) *Application for export payment.* No payment will be made hereunder, unless the exporter files Form FV–461 "Application for Export payment," with the designated Representative of the Secretary, as indicated in § 517.290 (b), nearest the principal office of the exporter, and unless such application is approved by the Representative of the Secretary. Form FV–461 must be prepared separately for each export sale and shall be mailed or delivered as promptly as possible after date of consummation of sale but in no event later than the date of export. No payment will be made if such form is mailed or delivered after such date of export unless the Secretary, upon written request by the exporter stating substantial reasons therefor, waives such delay. The Secretary will approve applications covering sales which meet the requirements of this program, so long as funds which have been allocated to this program are available, in the order in which the applications are received or on such other basis as he may determine to be equitable, will give written notice of approval or disapproval to the exporter, and will notify the exporter as promptly as possible after receipt of any executed Form FV–461 if any information shown in such form does not conform with the terms and conditions of this offer. No payment will be made in excess of the sum indicated in the approved Form FV–461, unless the Secretary, upon written request by the exporter stating substantial reasons therefor, approves a larger amount.

(d) *Grade.* No payment will be made unless the lemons in any lot meet the requirements of either U. S. Combination grade, U. S. Combination Green grade, or U. S. Combination Mixed Color grade, of which not less than 85 percent of the lemons in any lot are of either U. S. No. 1 grade, or U. S. No. 1 Green grade, or U. S. No. 1 Mixed Color grade, respectively, as such grades are defined in "U. S. Standards for Lemons" effective March 15, 1941. In addition, all lemons exported under this program shall be tightly packed and individually wrapped, and shall meet the Standards for Export as defined in the aforementioned U. S. Standards for Lemons.

(e) *Inspection.* Exporters shall furnish, at no expense to the Secretary, certificates of inspection for each lot of fresh lemons exported pursuant to this offer. Such certificates shall be issued by the Federal or Federal-State Inspection Service. The period from date of inspection for standards for export to date of exportation, both dates inclusive, must not exceed sixteen (16) days: *Provided,* That, upon request of the exporter indicating substantial reasons therefor, the Secretary may, if he deems it desirable, grant an extension of time of such period.

(f) *Packaging.* All fresh lemons to be exported under this program shall be suitably packed for export in new standard lemon boxes in a manner which shall reasonably assure their arrival in good condition in the country of destination.

(g) *Re-entry or diversion.* The exporter shall undertake, as a part of his "Application for Export Payments," which is required in paragraph (c) of this section, that the lemons exported under this program will thereafter not re-enter the United States or its territories or possessions, or be diverted to other than an approved country as listed herein, in fresh or processed form. In the event of such re-entry or diversion to other than an approved country, the exporter shall refund to the Secretary any export payment received under this offer with respect to the quantity so re-entered or diverted.

(h) *Final dates.* The final date for mailing or delivering Form FV–461, "Application for Export Payment," shall be 12:00 o'clock midnight November 30, 1951. The final date of export shall be 12:00 o'clock midnight November 30, 1951. The final date for filing claims for payment shall be 12:00 o'clock midnight December 31, 1951.

§ 517.294 *Claims supported by evidence of compliance.* (a) The exporter shall file claims for payment with the Representative of the Secretary with whom he filed Form FV–461, "Application for Export Payment," not later than the date specified in paragraph (h) of § 517.293: *Provided,* That, upon request of the exporter indicating substantial reasons therefor, the Secretary may, if he deems it desirable, grant an extension of time for such filing. Each claim for payment shall be filed in an original and three copies on voucher Form FDA–564, "Public Voucher—Diversion Programs," and shall be supported by (1) two certified copies of the sales contract, (2) two certified copies of the sales invoice to the buyer showing the f. a. s. sales price less the payment to be made by the Secretary, (3) two copies of the on-board export bill of lading signed by an agent of the exporting carrier (except that where loss, destruction, or damage occurs subsequent to loading on board exporting carrier but prior to issuance of on-board bill of lading, two copies of a loading tally sheet or similar document may be submitted in lieu of such bill of lading), (4) the original (or a signed copy) and one copy of the inspection certificate(s) required in paragraph (e) of § 517.293, and (5) such other documents, if any, as may be required by the Secretary, evidencing purchase, sale and exportation of the commodity on which payment is claimed.

(b) The export bill of lading must show the quantity and description of the commodity in sufficient detail to relate the commodity loaded on board the export carrier to the commodity covered by the related inspection certificate, the date and place of loading, the fact that such commodity is on board, the destination of the commodity, and the name and address of both the exporter and con-

signee. If the shipper or consignor named in such bill of lading is other than the exporter (seller) named in Form FV-461, the exporter shall furnish with his claim a waiver by such shipper or consignor, in favor of such exporter, of any right to claim payment under this program for the commodity covered by such bill of lading.

(c) The foregoing required evidence will not be accepted as conclusive if the Secretary has reason to believe that exportation of all or any quantity of the lemons was not actually accomplished or that there has not been compliance with other requirements of this offer, and in any such instance the Secretary may require such additional evidence as he deems reasonable.

§ 517.295 *Records and accounts.* The exporter shall maintain adequate records showing purchases, sales, and deliveries of fresh lemons exported or to be exported in connection with this program. Such records, accounts, and other documents relating to any transaction in connection with this program shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture, and shall be preserved for at least two years after the effective date of this program.

§ 517.296 *Amendment and termination.* The Secretary may amend or terminate this program at any time upon public announcement thereof. Such amendment or termination, however, shall not apply to applications approved under the program prior to the effective time of such amendment or termination.

§ 517.297 *Persons not eligible.* No member of, or Delegate to, Congress or Resident Commissioner shall be admitted to any share or part of any contract made under this program or to any benefit that may arise therefrom, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit.

§ 517.298 *Set-off.* The Secretary may set off, against any amount owed to any exporter hereunder, any amount owed by such exporter to Commodity Credit Corporation, the United States Department of Agriculture, or any other agency of the United States.

§ 517.299 *Assignment.* No exporter shall, without the written consent of the Secretary, assign any claim of the exporter against the Secretary hereunder or make a lienholder a joint payee with respect to any such claim. With such consent, an exporter may assign, in accordance with the provisions of the Assignment of Claims Act of 1940, any claim for payment hereunder, or make a lienholder a joint payee with respect to any such claim. In case of such assignment, the Secretary may set off any claim against the exporter arising out of the exportation on which the assigned claim is based, and may set off any other claim of the United States against the exporter based on facts existing at the time of receipt of notice of assignment.

§ 517.300 *Definitions.* As used in this subpart, the following terms have the following meanings:

(a) "Secretary" means the Secretary of the United States Department of Agriculture, or any authorized Representative of the Secretary.

(b) "Exporter" means any individual, corporation, partnership, association, or other business entity, engaged in the business of selling and exporting fresh lemons, produced and packed in the continental United States.

(c) "Sales contract" may be in the form of offer and acceptance, confirmation of sale or purchase, or other documentary evidence of consummation of sale including contracts between exporter and buyer.

(d) "Date of sale" means the date on which both buyer and seller signed a written contract, or the date on which buyer accepts an offer of sale or confirms the purchase, or the date on which the seller accepts an offer to purchase or confirms the sale. In the absence of documentary evidence establishing the date of consummation of sale the date of loading on board an export carrier will be considered to be the date sale was consummated.

(e) "F. a. s." means free alongside ship or other export carrier.

(f) "On-board export bill of lading" includes any bill of lading covering the exportation of lemons from the United States.

(g) "Public announcement" and "public notice" mean the issuance of a press release or the publication of a notice in the FEDERAL REGISTER.

(h) "Filed:" Applications, claims and related documents are deemed to be filed when they are postmarked, if mailed, or when received by the Representative of the Secretary if otherwise delivered.

NOTE: The record keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This offer shall be effective on September 7, 1951.

Dated this 4th day of September 1951.

[SEAL] S. R. SMITH,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 51-10843; Filed, Sept. 7, 1951; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Lemon Regulation 398, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on the handling of lemons grown in the State of California or in the State of Arizona.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (ii) of § 953.505 (Lemon Regulation 398, 16 F. R. 8878) are hereby amended to read as follows:

(ii) District 2: 375 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 6th day of September 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-10927; Filed, Sept. 7, 1951; 9:41 a. m.]

[Lemon Regulation 399]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.506 *Lemon Regulation 399.* (a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making

procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on Septemebr 5, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 9, 1951, and ending at 12:01 a. m., P. s. t., September 16, 1951, is hereby fixed as follows:

(i) District 1: unlimited movement;

(ii) District 2: 300 carloads;

(iii) District 3: unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 6th day of September 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m., Sept. 9, 1951, to 12:01 a. m., Sept. 23, 1951]

DISTRICT NO. 2

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.183
American Fruit Growers, Inc., Fullerton	.641
American Fruit Growers, Inc., Upland	.263
Eadington Fruit Co	.163
Hazeltine Packing Co	.378
Ventura Coastal Lemon Co	1.768
Ventura Pacific Co	2.113
Glendora Lemon Growers Association	1.907
La Verne Lemon Association	.860
La Habra Citrus Association	1.777
Yorba Linda Citrus Association, The	.917
Escondido Lemon Association	2.496
Alta Loma Heights Citrus Association	.619
Etiwanda Citrus Fruit Association	.468
Mountain View Fruit Association	.316
Old Baldy Citrus Association	.876
San Dimas Lemon Association	1.764
Upland Lemon Growers Association	5.889
Central Lemon Association	1.041
Irvine Citrus Association, The	.919
Placentia Mutual Orange Association	.547
Corona Citrus Association	.252
Corona Foothill Lemon Co	1.591
Jameson Co	.693
Arlington Heights Citrus Co	.505
College Heights Orange & Lemon Association	3.239
Chula Vista Citrus Association, The	1.131
El Cajon Valley Citrus Association	.033
Escondido Cooperative Citrus Association	.173
Fallbrook Citrus Association	1.541
Lemon Grove Citrus Association	.401
Carpinteria Lemon Association	2.570
Carpinteria Mutual Citrus Association	3.384
Goleta Lemon Association	5.149
Johnston Fruit Co	6.104
North Whittier Heights Citrus Association	.655
San Fernando Lemon Association	.945
Sierra Madre-Lamanda Citrus Association	.805
Briggs Lemon Association	2.478
Culbertson Lemon Association	2.090
Fillmore Lemon Association	1.226
Oxnard Citrus Association	5.921
Rancho Sespe	.977
Santa Clara Lemon Association	3.636
Santa Paula Citrus Fruit Association	3.506
Saticoy Lemon Association	3.489
Seaboard Lemon Association	3.924
Somis Lemon Association	3.193
Ventura Citrus Association	1.066
Ventura County Citrus Association	.019
Limoneira Co	2.473
Teague-McKevett Association	.879
East Whittier Citrus Association	.485
Leffingwell Rancho Lemon Association	.837
Murphy Ranch Co	1.832
Chula Vista Mutual Lemon Association	.614
Index Mutual Association	.396
La Verne Cooperative Citrus Association	2.021
Orange Belt Fruit Distributors	.870
Ventura County Orange & Lemon Association	2.688
Whittier Mutual Orange & Lemon Association	.083
Cappos Bros. Produce	.000
Evans Bros. Packing Co	.000

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Latimer, Harold	0.011
MacDonald Fruit Co	.000
Paramount Citrus Association, Inc.	.203
Uyeji, Kikuo	.002

[F. R. Doc. 51-10928; Filed, Sept. 7, 1951; 9:41 a. m.]

[Orange Regulation 388]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

§ 966.534 *Orange Regulation 388*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended, (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on September 6, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this

section effective during the period hereinafter specified; and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) subject to the size requirements in Orange Regulation 372, as amended (7 CFR 966.518; 16 F. R. 4678, 5652), the quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning 12:01 a. m., P. s. t., September 9, 1951, and ending at 12:01 a. m., P. s. t., September 16, 1951, is hereby fixed as follows:

(i) *Valencia Oranges.* (*a*) Prorate District No. 1: unlimited movement;

(*b*) Prorate District No. 2: 1,300 carloads;

(*c*) Prorate District No. 3: unlimited movement;

(*d*) Prorate District No. 4: unlimited movement.

(ii) *Oranges other than Valencia* Oranges. (*a*) Prorate District No. 1: no movement;

(*b*) Prorate District No. 2: no movement;

(*c*) Prorate District No. 3: no movement;

(*d*) Prorate District No. 4: no movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used herein, "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order, and the terms "Prorate District No. 1," "Prorate District No. 2," "Prorate District No. 3," and "Prorate District No. 4" shall each have the same meaning as given to the respective terms in § 966.107, as amended (15 F. R. 8712), of the current rules and regulations (7 CFR 966.103 et seq.), as amended (15 F. R. 8712).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 7th day of September 1951.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m., p. d. s. t., Sept. 9, 1951, to 12:01 a. m., p. d. s. t., Sept. 16, 1951]

VALENCIA ORANGES

Prorate District No. 2

Handler	*Prorate base (percent)*
Total	100.0000
A. F. G. Alta Loma	.0779
A. F. G. Corona	.0385
A. F. G. Fullerton	1.0470
A. F. G. Orange	.4357
A. F. G. Riverside	.1271
A. F. G. San Juan Capistrano	.5811
A. F. G. Santa Paula	.4414
Eadington Fruit Co., Inc.	5.2572
Hazeltine Packing Co.	.2582
Krinard Packing Co.	.1734
Placentia Cooperative Orange Association	0.6574
Placentia Pioneer Valencia Growers Association	.7463
Signal Fruit Association	.0977
Azusa Citrus Association	.5618
Covina Citrus Association	1.1604
Covina Orange Growers Association	.5277
Damerel-Allison Association	.7043
Glendora Citrus Association	.4212
Glendora Mutual Orange Association	.3448
Valencia Heights Orchard Association	.4867
Gold Buckle Association	.4427
La Verne Orange Association	.5205
Anaheim Valencia Orange Association	1.3471
Fullerton Mutual Orange Association	2.8811
La Habra Citrus Association	1.2398
Yorba Linda Citrus Association, The	1.2061
Escondido Orange Association	2.2808
Alta Loma Heights Citrus Association	.0585
Citrus Fruit Growers	.0613
Etiwanda Citrus Fruit Association	.0183
Old Baldy Citrus Association	.0387
Rialto Heights Orange Growers	.0350
Upland Citrus Association	.1569
Upland Heights Orange Association	.0833
Consolidated Orange Growers	2.1023
Frances Citrus Association	1.2146
Garden Grove Citrus Association	2.0795
Goldenwest Citrus Association	1.7775
Irvine Valencia Growers	3.1178
Olive Heights Citrus Association	2.3433
Santa Ana-Tustin Mutual Citrus Association	1.0563
Santiago Orange Growers Association	4.9843
Tustin Hills Citrus Association	2.2011
Villa Park Orchards Association	2.3611
Bradford Bros., Inc.	.8943
Placentia Mutual Orange Association	3.8327
Placentia Orange Growers Association	3.3272
Yorba Orange Growers Association	1.1259
Call Ranch	.0643
Corona Citrus Association	.4512
Jameson Co.	.0964
Orange Heights Orange Association	.5752
Crafton Orange Growers Association	.2169
East Highlands Citrus Association	.0589
Redlands Heights Groves	.1958
Redlands Orangedale Association	.1604
Rialto-Fontana Citrus Association	.0809
Break & Son, Allen	.0449
Bryn Mawr Fruit Growers Association	.1027
Mission Citrus Association	.0602
Redlands Cooperative Fruit Association	.2545
Redlands Orange Growers Association	.1455
Redlands Select Groves	.1655
Rialto Orange Co.	.1445
Southern Citrus Association	.1158
United Citrus Growers	.2255
Zilen Citrus Co.	.0321
Arlington Heights Citrus Co.	.0766
Brown Estate, L. V. W.	.1210
Gavilan Citrus Association	.1251
Highgrove Fruit Association	.0593
McDermont Fruit Co.	.1128
Monte Vista Citrus Association	.1048
National Orange Co.	.0170
Riverside Citrus Association	.0054
Riverside Heights Orange Growers Association, The	.0218
Sierra Vista Packing Association	0.0290
Victoria Ave. Citrus Association	.1325
Claremont Citrus Association	.1124
College Heights Orange and Lemon Association	.2233
Indian Hill Citrus Association	.1271
Pomona Fruit Growers Exchange	.3213
Walnut Fruit Growers Association	.5409
West Ontario Citrus Association	.1844
El Cajon Valley Citrus Association	.0000
Escondido Cooperative Citrus Association	.2842
San Dimas Orange Growers Association	.3069
Canoga Citrus Association	.8277
North Whittier Heights Citrus Association	.8857
San Fernando Heights Orange Association	.7017
Sierra Madre-Lamanda Citrus Association	.3256
Camarillo Citrus Association	1.3389
Fillmore Citrus Association	2.3581
Mupu Citrus Association	1.8898
Ojai Orange Association	.4245
Piru Citrus Association	1.6659
Rancho Sespe	.6829
Santa Paula Orange Association	1.0322
Tapo Citrus Association	.8336
Ventura County Citrus Association	.4031
Limoneira Co.	.5369
East Whittier Citrus Association	.4214
Murphy Ranch Co.	.9671
Anaheim Cooperative Orange Association	2.2350
Bryn Mawr Mutual Orange Association	.1385
Chula Vista Mutual Lemon Association	.0000
Euclid Ave. Orange Association	.5416
Foothill Citrus Union, Inc.	.0563
Fullerton Cooperative Orange Association	.4135
Garden Grove Orange Cooperative, Inc.	1.4472
Golden Orange Groves, Inc.	.1772
Highland Mutual Groves	.0089
Index Mutual Association	.4496
La Verne Cooperative Citrus Association	1.6854
Olive Hillside Groves, Inc.	.8621
Orange Cooperative Citrus Association	1.9066
Redlands Foothill Groves	.3534
Redlands Mutual Orange Association	.1513
Ventura County Orange & Lemon Association	1.1946
Whittier Mutual Orange & Lemon Association	
Babijuice Corp. of California	.8208
Banks, L. M.	.6520
Becker, Samuel Eugene	.0092
Bennett Fruit Co.	.0597
Borden Fruit Co.	.6933
Cappos Bros. Produce	.0072
Cherokee Citrus Co., Inc.	.1066
Chess Co., Meyer W.	.3834
Dozier, Paul M.	.0124
Dunning Ranch	.0000
Evans Bros. Packing Co.	.3961
Gold Banner Association	.1517
Granada Hills Packing Co.	.0325
Granada Packing House	.9154
Hill Packing Co., Fred A.	.0464
Knapp Packing Co., John C.	.6082
L Bar S Ranch	.0942
Lawson, William J.	.0000
Lima & Sons, Joe	.1323
Orange Belt Fruit Distributors	1.5077
Orange Hill Groves	.0090
Otte, Arnold	.0586
Panno Fruit Co., Carlo	.5664
Paramount Citrus Association	.7666

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Patitucci, Frank L	0.0091
Placentia Orchard Co	.6588
Prescott, John A	.0189
Redlands Fruit Association, Inc	.0145
Ronald, P. W	.0208
San Antonio Orchard Co	.2701
Stephens, T. F	.2448
Summit Citrus Packers	.0170
Treesweet Products Co	.1023
Wall, E. T., Grower-Shipper	.1199
Western Fruit Growers, Inc	.3311

[F. R. Doc. 51-10954; Filed, Sept. 7, 1951; 11:42 a. m.]

[Orange Regulation 387, Amdt. 1]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

§ 966.533 *Orange Regulation 387, as amended*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR Part 966) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on the handling of oranges grown in the State of California or in the State of Arizona.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (i) (*b*) of § 966.533 (Orange Regulation 387, 16 F. R. 8879) are hereby amended to read as follows:

(i) *Valencia oranges.* * * *

(*b*) Prorate District No. 2; 1,400 carloads;

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 7th day of September 1951.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-10955; Filed, Sept. 7, 1951; 11:42 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 602—COOPERATION OF UNITED STATES EMPLOYMENT SERVICE AND STATES IN ESTABLISHING AND MAINTAINING A NATIONAL SYSTEM OF PUBLIC EMPLOYMENT OFFICES

MISCELLANEOUS AMENDMENTS

Pursuant to authority vested in me by section 12, 48 Stat. 117, as amended, 29 U. S. C. 49k, the regulations contained in this part are amended as follows:

1. Section 602.8 is amended to read as follows:

§ 602.8 *Agricultural and related industry placement services.* Each State agency, in carrying out the provisions of the Wagner-Peyser Act, shall maintain, through its State administrative office and local employment offices, effective placement services for agricultural and related industry employers and workers, and such services shall include appropriate programs for the intrastate recruitment and transfer of workers and for cooperation with the United States Employment Service in the interstate recruitment and movement of workers.

2. Sections 602.9 through 602.21 are renumbered as §§ 602.11 through 602.23.

3. Two new sections designated as §§ 602.9 and 602.10 are added to read as follows:

§ 602.9 *Recruitment of labor for agriculture and related industries.* Each State agency needing agricultural labor to meet shortages in areas where local labor is deemed not to be available shall place such orders in interstate clearance in accordance with standards and procedures established by the United States Employment Service after the following conditions have been met:

(a) The State agency has examined the estimated crop acreage, yield, and other production factors in accordance with reasonable minimum standards established by the United States Employment Service to assure the validity of need and the minimum number of workers required.

(b) Conditions of employment are not less favorable than those offered by employers who have been successful in recruiting and retaining domestic workers for similar work in the area.

(1) Housing and facilities are or will be at the time of occupancy hygienic and adequate to the climatic conditions of the area of employment.

(2) Wages offered are not less than the prevailing wage rates paid in the area to agricultural workers who are similarly employed.

(c) The State agency will compile, maintain, and furnish the Secretary of Labor as requested, and make available to interested individuals, agencies, and the public, current information on prevailing wages paid, wages being offered on orders in the local office, and wages being offered for employment for which orders are not on file in the local office, and information on labor demand and labor supply. The State agency shall publish such information as is necessary in connection with the recruitment of labor for agriculture.

(d) The State agency will cooperate actively with designated State agencies responsible for conditions of housing and health and make every effort to assure that housing and facilities offered workers meet minimum standards suggested by the United States Employment Service.

§ 602.10 *Certification and use of foreign labor for agriculture and related industries.* (a) Each State agency with a foreseeable labor shortage remaining after planning to utilize all the usual sources of available domestic workers or having a current shortage after the use of the interstate clearance process, may request the certification of need for foreign labor to meet such shortages by submitting the following certification:

(1) Reasonable efforts have been and will continue to be made to obtain domestic workers for the period these workers are requested.

(2) Employment of such labor will not adversely affect the wages or working conditions of domestic workers similarly employed in the area.

(b) The State agency will not submit a request for workers more than 60 days nor less than 30 days prior to date of need. Such requests shall be reviewed by the State agency not more than 15 days prior to the date of need and the State agency will advise the appropriate Bureau of Employment Security regional office whether the conditions necessitating foreign workers previously certified to by the State agency still prevail, or whether the request should be cancelled or revised.

(Sec. 12, 48 Stat. 117, as amended; 29 U. S. C. 49k)

Signed at Washington, D. C., this 4th day of September 1951.

MICHAEL J. GALVIN,
Acting Secretary of Labor.

[F. R. Doc. 51-10852; Filed, Sept. 7, 1951; 8:52 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II — Federal Housing Administration, Housing and Home Finance Agency

Subchapter B—Property Improvement Loans

PART 203—TITLE I MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS

MISCELLANEOUS AMENDMENTS

1. Section 203.20 (a) is hereby amended to read as follows:

(a) The Commissioner may, if he finds that because of higher costs prevailing in the Territory of Alaska, it is not feasible to construct dwellings on property located in Alaska without sacrifice of sound standards of construction, design, and livability, within the limitations as to maximum mortgage amounts provided in § 203.7, prescribed by regulation or other-

wise, with respect to dollar amount, a higher maximum for the principal obligation of mortgages covering property located in Alaska, in such amounts as he shall find necessary to compensate for such higher costs but not to exceed, in any event, the maximum otherwise applicable by more than one-half (½) thereof.

2. Part 203 is hereby amended by adding at the end thereof the following new § 203.20d:

§ 203.20d *Owner-occupancy in military service cases.* Any mortgage otherwise eligible for insurance under any of the provisions of this part, may be insured without regard to any requirement contained in this part that the mortgagor be the occupant of the property at the time of insurance where the Commissioner is satisfied that the inability of the mortgagor to occupy the property is by reason of his entry into military service subsequent to the filing of an application for insurance and the mortgagor expresses an intent, (in such form as may be prescribed by the Commissioner), to occupy the property upon his discharge from military service.

(Sec. 2, 48 Stat. 1246, as amended; 12 U. S. C. and Sup. 1703. Interpret or apply sec. 102, 64 Stat. 48; 12 U. S. C. Sup. 1706c)

Issued at Washington, D. C., September 4, 1951.

WALTER L. GREENE,
Acting Federal Housing Commissioner.

[F. R. Doc. 51-10820; Filed, Sept. 7, 1951; 8:45 a. m.]

Subchapter C—Mutual Mortgage Insurance

PART 221—MUTUAL MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

MISCELLANEOUS AMENDMENTS

1. Section 221.26a (a) is hereby amended to read as follows:

(a) The Commissioner may, if he finds that, because of higher costs prevailing in the Territory of Alaska, it is not feasible to construct dwellings on property located in Alaska without sacrifice of sound standards of construction, design, and livability, within the limitations as to maximum mortgage amounts provided in § 221.15, prescribe by regulation or otherwise, with respect to dollar amount, a higher maximum for the principal obligation of mortgages covering property located in Alaska, in such amounts as he shall find necessary to compensate for such higher costs, but not to exceed, in any event, the maximum otherwise applicable by more than one half thereof.

2. Section 221.26d (b) is hereby amended to read as follows:

(b) For the period this paragraph remains in effect, and notwithstanding the provisions of § 221.16, a mortgage insured pursuant to an application received by the Commissioner on or after October 12, 1950, and covering property upon which there is located a dwelling designed principally for a single-family or a two-family residence, must have a maturity satisfactory to the Commissioner not more than 20 years from the date of insurance, except that, if the transaction price is $12,000, or less, per family unit, and the property is approved for insurance prior to the beginning of construction, the mortgage may have a maturity not in excess of 25 years from the date of insurance.

3. Part 221 is hereby amended by adding the following new § 221.26e:

§ 221.26e *Owner-occupancy in military service cases.* Any mortgage otherwise eligible for insurance under any of the provisions of this part may be insured without regard to any requirement contained in this part that the mortgagor be the occupant of the property at the time of insurance, where the Commissioner is satisfied that the inability of the mortgagor to occupy the property is by reason of his entry into military service subsequent to the filing of an application for insurance and the mortgagor expresses an intent (in such form as may be prescribed by the Commissioner) to occupy the property upon his discharge from military service.

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b)

Issued at Washington, D. C., September 4, 1951.

WALTER L. GREENE,
Acting Federal Housing Commissioner.

[F. R. Doc. 51-10821; Filed, Sept. 7, 1951; 8:45 a. m.]

Subchapter D—Multifamily and Group Housing Insurance

PART 232—MULTIFAMILY HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING MULTIFAMILY HOUSING

MISCELLANEOUS AMENDMENTS

1. Section 232.4 is hereby amended to read as follows:

§ 232.4 *Eligibility for insurance.* (a) A mortgage executed by a mortgagor of the character described in § 232.17 (b) may involve a principal obligation not to exceed $50,000,000 and not to exceed the sum of 90 percent of that portion of the estimated value of the project attributable to dwelling use (when the proposed improvements are completed) which does not exceed $7,000 per family unit and 60 percent of that part of the estimated value of the property or project which is in excess of $7,000 and not in excess of $10,000 per family unit and 90 percent of the estimated value of such part of such property or project as may be attributable to non-dwelling use; and not to exceed $8,100 per family unit (or $7,200 per family unit if the number of rooms in such property or project does not equal or exceed four per family unit) for such part of such property or project as may be attributable to dwelling use.

(b) A mortgage, other than a mortgage executed by a mortgagor of the character described in § 232.17 (b), may involve a principal obligation not exceeding $5,000,000 and not in excess of the sum of 90 percent of that part of the estimated value of the property or project attributable to dwelling use which does not exceed $7,000 per family unit and 60 percent of that part of the estimated value of the property or project which is in excess of $7,000 and not in excess of $10,000 per family unit and 90 percent of the estimated value of such part of such property or project as may be attributable to non-dwelling use; and not in excess of the amount which the Commissioner estimates will be the cost of the completed physical improvements of the property or project exclusive of public utilities and streets, and organization and legal expenses; and not in excess of $8,100 per family unit (or $7,200 per family unit if the number of rooms in such property or project does not equal or exceed four per family unit) for such part of such property or project as may be attributable to dwelling use.

(c) A mortgage of the character described in paragraphs (a) and (b) of this section but covering property located in the Territory of Alaska may involve a principal obligation not in excess of $50,000,000 or $5,000,000 as the case may be, and not to exceed 90 percent of the amount which the Commissioner estimates to be the replacement cost of the property or project when the proposed improvements are completed; and not to exceed $8,100 per family unit (or $7,200 per family unit if the number of rooms in such property or project does not equal or exceed four per family unit) for such part of such property or project as may be attributable to dwelling use: *Provided*, That the Commissioner may, if he finds that because of higher costs prevailing in the Territory of Alaska, it is not feasible to construct dwellings on property located in Alaska without sacrifice of sound standards of construction, design, and livability, within the limitations as to maximum mortgage amounts provided in this paragraph, prescribe by regulation or otherwise, with respect to dollar amount, a higher maximum for the principal obligation of mortgages otherwise meeting the requirements of this paragraph covering property located in Alaska, in such amounts as he shall find necessary to compensate for such higher costs but not to exceed, in any event, the maximum otherwise applicable by more than one-half thereof.

(d) As used in this section, the term "the value of the property or project" may include the land, the proposed physical improvements, utilities within the boundaries of the property or project, architect's fees, taxes, and interest accruing during construction, and other miscellaneous charges incident to construction and approved by the Commissioner.

2. Section 232.16a (a) is hereby amended to read as follows:

(a) For the period this paragraph remains in effect and notwithstanding the provisions of paragraphs (a) and (b) of § 232.4, a mortgage insured pursuant to an application received by the Commissioner on or after July 19, 1950,

and prior to January 12, 1951, shall not involve a principal amount in excess of the sum of 85 percent of that portion of the estimated value of the project which does not exceed $7,000 per family unit and 55 percent of that portion of the estimated value of the project which is in excess of $7,000 per family unit; and a mortgage insured pursuant to an application received by the Commissioner on or after January 12, 1951 shall not involve a principal amount in excess of the sum of 83 percent of that portion of the estimated value of the project attributable to dwelling use which does not exceed $7,000 per family unit and 53 percent of that portion of the estimated value of the project which is in excess of $7,000 per family unit and 83 percent of the estimated value of such part of such property or project as may be attributable to nondwelling use.

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b. Interpret or apply sec. 207, 48 Stat. 1252, as amended; 12 U. S. C. 1713)

Issued at Washington, D. C., September 4, 1951.

WALTER L. GREENE,
Acting Federal Housing Commissioner.

[F. R. Doc. 51-10822; Filed, Sept. 7, 1951; 8:45 a. m.]

PART 241—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS FOR PROJECT MORTGAGE

MISCELLANEOUS AMENDMENTS

1. Section 241.4 (c) is hereby amended to read as follows:

(c) The Commissioner may, if he finds that, because of higher costs prevailing in the Territory of Alaska, it is not feasible to construct dwellings on property located in Alaska without sacrifice of sound standards of construction, design, or livability, within the limitations as to maximum mortgage amounts provided in paragraph (a) or (b) of this section, prescribe by regulation or otherwise with respect to dollar amount, a higher maximum for the principal obligation of mortgages covering property located in Alaska, in such amounts as he shall find necessary to compensate for such higher costs but not to exceed, in any event, the maximum otherwise applicable by more than one-half thereof.

2. Section 241.15a (b) (1) is hereby amended to read as follows:

(1) If the number of rooms in the project is less than 4 per family unit, not to exceed $7,200 per family unit, plus the increase, if any, by reason of veteran membership as provided in § 241.4, but in any event not to exceed $7,650 per family unit; or

3. Section 241.15a (b) (2) is hereby amended to read as follows:

(2) If the number of rooms in the project equals or exceeds 4 per family unit, not to exceed $8,100 per family unit, plus the increase, if any, by reason of veteran membership as provided in § 241.4, but in any event not to exceed $8,550 per family unit: *Provided*, That this paragraph shall not be applicable as to mortgages executed by a mortgagor of the character described in § 241.16 (a) (2).

4. Section 241.15b (b) is hereby amended to read as follows:

(b) For the period this paragraph remains in effect, and notwithstanding the provisions of § 241.5, a mortgage executed by a mortgagor of the character described in § 241.16 (a) (2) and insured pursuant to an application (including applications executed only by the mortgagor to obtain a certificate of eligibility) received by the Commissioner on or after October 12, 1950, must have a maturity satisfactory to the Commissioner not more than 20 years from the date of beginning of amortization of the mortgage, except that, if the transaction price is $12,000 or less per dwelling unit, the mortgage may have a maturity satisfactory to the Commissioner not to exceed 25 years from the date of beginning of amortization of the mortgage.

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b. Interpret or apply sec. 114, 64 Stat. 54; 12 U. S. C. Sup. 1715e)

Issued at Washington, D. C., September 4, 1951.

WALTER L. GREENE,
Acting Federal Housing Commissioner.

[F R. Doc. 51-10823; Filed, Sept. 7, 1951; 8:46 a. m.]

PART 242—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS FOR INDIVIDUAL MORTGAGES COVERING PROPERTIES RELEASED FROM LIEN OF PROJECT MORTGAGE

DEFENSE PRODUCTION ACT OF 1950 CONTROLS

Section 242.18a is hereby amended to read as follows:

§ 242.18a *Defense Production Act of 1950 controls.* For the period this section remains in effect, and notwithstanding the provisions of § 242.8, the mortgage insured pursuant to an application (including applications executed only by the mortgagor to obtain a certificate of eligibility), received by the Commissioner on or after October 12, 1950, must have a maturity satisfactory to the Commissioner not more than 20 years from the date of insurance, except that if the transaction price is $12,000 or less, the mortgage may have a maturity not in excess of 25 years from the date of insurance. The provisions of this section shall not be applicable to mortgages covering properties in the Territory of Alaska, or any territory or possession outside the continental United States, and the Commissioner may waive or modify the requirements of this section, in whole or in part and for such period or periods of time as he may determine, with respect to any mortgage transaction which would not be subject to the prohibitions of Regulations X of the Board of Governors of the Federal Reserve System, by reason of the exceptions and exemptions set forth therein.

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 114, 64 Stat. 54; 12 U. S. C. Sup. 1715e)

Issued at Washington, D. C., September 4, 1951.

WALTER L. GREENE,
Acting Federal Housing Commissioner.

[F. R. Doc. 51-10824; Filed, Sept. 7, 1951; 8:46 a. m.]

Subchapter H—War Housing Insurance

PART 276—WAR HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

MISCELLANEOUS AMENDMENTS

1. Section 276.28c (b) is hereby amended to read as follows:

(b) For the period this paragraph remains in effect, and notwithstanding the provisions of § 276.17, a mortgage insured pursuant to an application received by the Commissioner on or after October 12, 1950, and covering property upon which there is located a dwelling designed principally for a single-family or a two-family residence, must have a maturity satisfactory to the Commissioner not more than 20 years from the date of insurance, except that if the transaction price is $12,000 or less per family unit, the mortgage may have a maturity not in excess of 25 years from the date of insurance.

2. Section 276.28c is hereby amended by adding at the end thereof the following new paragraph:

(d) The provisions of this section shall not be applicable where an application is made to the Commissioner in the nature of a request to reopen or reissue an expired commitment, provided that the Commissioner finds that such commitment was not subject to the provisions of § 276.28b or § 276.28c when issued, and that such commitment expired on or after July 19, 1950, and that the application of the provisions of § 276.28b or § 276.28c, to the reopened or reissued commitment would cause severe hardship to the mortgagor or mortgagee. If the Commissioner finds that such expired commitment when issued was subject to the provisions of § 276.28b, but not to § 276.28c, the provisions of § 276.28c shall not apply, but the reopened or reissued commitment shall be subject to the same credit control provisions which were applicable to the expired commitment when issued.

(Sec. 607, as added by sec. 1, 55 Stat. 61; 12 U. S. C. and Sup., 1742)

Issued at Washington, D. C., September 4, 1951.

WALTER L. GREENE,
Acting Federal Housing Commissioner.

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PART 278—WAR HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE UNDER SECTION 603 PURSUANT TO SECTION 610 OF THE NATIONAL HOUSING ACT

MISCELLANEOUS AMENDMENTS

1. Section 278.20c (b) is hereby amended to read as follows:

(b) For the period this paragraph remains in effect, and notwithstanding the provisions of § 278.10, a mortgage insured pursuant to an application received by the Commissioner on or after October 12, 1950, and covering property upon which there is located a dwelling designed principally for a single-family or a two-family residence, must have a maturity satisfactory to the Commissioner not more than 20 years from the date of insurance, except that, if the transaction price is $12,000 or less per family unit, the mortgage may have a maturity not in excess of 25 years from the date of insurance.

2. Section 278.20c is hereby amended by adding at the end thereof the following new paragraph:

(d) The provisions of this section shall not be applicable where an application is made to the Commissioner in the nature of a request to reopen or reissue an expired commitment, provided that the Commissioner finds that such commitment was not subject to the provisions of § 278.20b or § 278.20c when issued, and that such commitment expired on or after July 19, 1950, and that the application of the provisions of § 278.20b or § 278.20c to the reopened or reissued commitment would cause severe hardship to the mortgagor or mortgagee. If the Commissioner finds that such expired commitment when issued was subject to the provisions of § 278.20b, but not to § 278.20c, the provisions of § 278.20c shall not apply, but the reopened or reissued commitment shall be subject to the same credit control provisions which were applicable to the expired commitment when issued.

(Sec. 607, as added by sec. 1, 55 Stat. 61; 12 U. S. C. and Sup., 1742. Interprets or applies sec. 603, as added by sec. 1, 55 Stat. 56, as amended; 12 U. S. C. and Sup., 1738)

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WALTER L. GREENE,
Acting Federal Housing Commissioner.

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Subchapter K—Single-Family Project Loans, War Housing Insurance

PART 287—ELIGIBILITY REQUIREMENTS OF PROJECT MORTGAGE COVERING GROUP OF SINGLE-FAMILY DWELLINGS

MISCELLANEOUS AMENDMENTS

1. Section 287.12 (a) is hereby amended to read as follows:

(a) The Commissioner may, if he finds that because of higher costs prevailing in the Territory of Alaska, it is not feasible to construct dwellings on property located in Alaska without sacrifice of sound standards of construction, design and livability, within the limitations as to maximum mortgage amounts provided in § 287.11, prescribe by regulation or otherwise, with respect to dollar amount, a higher maximum for the principal obligation of mortgages covering property located in Alaska, in such amounts as he shall find necessary to compensate for such higher costs but not to exceed, in any event, the maximum otherwise applicable by more than one-half thereof.

2. Section 287.12 (b) is hereby amended to read as follows:

(b) Upon application by a mortgagee any mortgage covering property located in Alaska otherwise eligible for insurance under any of the provisions of this part may be insured without regard to any requirement contained in this part that the mortgaged property be free and clear of all liens other than the mortgage offered for insurance and that there will not be any other unpaid obligations contracted in connection with the mortgage transaction or the purchase of the mortgaged property.

(Sec. 607, as added by sec. 1, 55 Stat. 61, 12 U. S. C. and Sup., 1742)

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WALTER L. GREENE,
Acting Federal Housing Commissioner.

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PART 288—ELIGIBILITY REQUIREMENTS OF INDIVIDUAL MORTGAGE COVERING PROPERTY RELEASED FROM LIEN OF PROJECT MORTGAGE

MISCELLANEOUS AMENDMENTS

1. Section 288.9 (a) is hereby amended to read as follows:

(a) The Commissioner may, if he finds that because of higher costs prevailing in the Territory of Alaska, it is not feasible to construct dwellings on property located in Alaska without sacrifice of sound standards of construction, design, and livability, within the limitations as to maximum mortgage amounts provided in § 288.8, prescribe by regulation or otherwise, with respect to dollar amount, a higher maximum for the principal obligation of mortgages covering property located in Alaska, in such amounts as he shall find necessary to compensate for such higher costs but not to exceed, in any event, the maximum otherwise applicable by more than one-half thereof.

2. Section 288.21a is hereby amended to read as follows:

§ 288.21a *Defense Production Act of 1950 controls.* For the period this section remains in effect, and notwithstanding the provisions of § 288.10, the mortgage insured pursuant to an application received by the Commissioner on or after October 12, 1950, must have a maturity satisfactory to the Commissioner not more than 20 years from the date of insurance, except that if the transaction price is $12,000 or less, the mortgage may have a maturity not in excess of 25 years from the date of insurance. The provisions of this section shall not be applicable to mortgages covering properties in the Territory of Alaska or any territory or possession outside the continental United States and the Commissioner may waive or modify the requirements of this section, in whole or in part and for such period or periods of time as he may determine, with respect to any mortgage transaction which would not be subject to the prohibitions of Regulation X of the Board of Governors of the Federal Reserve System by reason of the exceptions and exemptions set forth therein.

3. Part 288 is hereby amended by adding the following new § 288.21b:

§ 288.21b *Owner-occupancy in military service cases.* Any mortgage otherwise eligible for insurance under any of the provisions of this part, may be insured without regard to any requirement contained in this part that the mortgagor be the occupant of the property at the time of insurance, where the Commissioner is satisfied that the inability of the mortgagor to occupy the property is by reason of his entry into military service subsequent to the filing of an application for insurance and the mortgagor expresses an intent (in such form as may be prescribed by the Commissioner), to occupy the property upon his discharge from military service.

(Sec. 607, as added by sec. 1, 55 Stat. 61, 12 U. S. C. and Sup., 1742)

Issued at Washington, D. C., September 4, 1951.

WALTER L. GREENE,
Acting Federal Housing Commissioner.

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Subchapter L—Yield Insurance

PART 290—ELIGIBILITY REQUIREMENTS FOR YIELD INSURANCE

PROJECT ELIGIBILITY REQUIREMENTS

Section 290.8 (d) is hereby amended to read as follows:

(d) The investor shall establish in a manner satisfactory to the Commissioner that good and merchantable title in fee simple or under long-term leasehold (under a lease having a term of not less than 99 years which is renewable or under a lease having not less than 60 years to run from the date of commitment to insure under Title VII of the act is executed) satisfactory to the Commissioner to the real estate to be included in the project is vested in the investor free and clear of liens and will so remain as long as the contract of insurance remains in force, and after completion of the project, the investor must establish that there are no outstanding, unpaid obligations contracted in connection with the construction or completion of the project, except taxes and such other liens and obligations as may be approved or prescribed by the Commissioner. Debentures issued by the investor which are payable out of net income from the project and from the benefits of the insurance contract shall not be construed as "unpaid obligations" as such term is used in this paragraph.

(Sec. 712, as added by sec. 401, 62 Stat. 1276; 12 U. S. C. and Sup., 1747k)

Issued at Washington, D. C., September 4, 1951.

WALTER L. GREENE,
Acting Federal Housing Commissioner.

[F. R. Doc. 51-10829; Filed, Sept. 7, 1951; 8:48 a. m.]

PART 291—YIELD INSURANCE; RIGHTS AND OBLIGATIONS OF INVESTOR UNDER INSURANCE CONTRACT

MISCELLANEOUS AMENDMENTS

1. Section 291.2 (d) is hereby amended to read as follows:

(d) The term "investor" shall mean the insured named in the contract of insurance and shall include any assignee, pledgee or transferee of the insured which has been approved by the Commissioner and which is entitled to receive the benefits of the insurance contract.

2. Section 291.2 (q) is hereby amended to read as follows:

(q) The term "minimum annual return" for any operating year shall mean an amount equal to three and one-half per centum (3½%) of the outstanding investment for such operating year or such lesser amount as shall be agreed upon by the investor and the Commissioner.

3. Section 291.2 (r) is hereby amended to read as follows:

(r) The term "excess earnings" for any operating year shall mean the net income derived from the project in excess of the minimum annual amortization charge and the minimum annual return and income taxes.

4. Section 291.4 is hereby amended to read as follows:

§ 291.4 *Contract of insurance.* Upon compliance satisfactory to the Commissioner with the terms of the commitment to insure, the Commissioner and the investor shall execute the contract of insurance. The Commissioner and the investor shall thereafter be bound by the contract of insurance, subject to the provisions of the regulations in this Part which shall form part of each such contract. Any or all rights, claims or other benefits under the provisions of the insurance contract may be assigned, pledged or otherwise transferred upon such terms and conditions as may be approved by the Commissioner and agreed upon by an instrument in writing executed by the original investor and by an assignee, pledgee, or other transferee satisfactory to the Commissioner.

(Sec. 712, as added by sec. 401, 62 Stat. 1276; 12 U. S. C. and Sup., 1747k)

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WALTER L. GREENE,
Acting Federal Housing Commissioner.

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Subchapter M—Military Housing Insurance

PART 292—ELIGIBILITY REQUIREMENTS FOR MILITARY HOUSING INSURANCE

APPROVAL OF MORTGAGEES

AUTHORITY: §§ 292.1 to 292.44 issued under sec. 808, as added by sec. 1, 63 Stat. 570; 12 U. S. C. Sup. 1748g.

APPROVAL OF MORTGAGEES

§ 292.1 *Classification of mortgagees.* The following may become the mortgagee of a mortgage insured under Title VIII of the National Housing Act:

(a) Any institution or organization which is approved as a mortgagee under sections 203 (b) or 603 (b) of the National Housing Act; and

(b) Any other chartered institution or permanent organization having succession, upon its approval by the Commissioner for a particular transaction.

§ 292.2 *Property inspection by mortgagee.* As a condition precedent to insurance, the mortgagee must agree that it will ascertain the general physical condition of the mortgaged property at intervals not greater than one year, and that, if at any time it be determined by the mortgagee that, in addition to ordinary wear and tear, the mortgaged property is being subjected to permanent or substantial injury, through unreasonable use, abuse or neglect, the mortgagee will, unless adequate provision satisfactory to a prudent lender is made for the prompt restoration of the mortgaged property, forthwith take such action as may be available to it under the mortgage and appropriate to the particular case, for the protection and preservation of the mortgaged property and the income thereform, and the submission of an application for insurance shall be evidence of such agreement.

§ 292.3 *Non-approval.* The Commissioner reserves the right to refuse to approve any institution or organization as the mortgagee of a particular mortgage or to withhold any such approval pending compliance by such institution or organization, with additional conditions which in the discretion of the Commissioner are required in the particular case.

§ 292.4 *Withdrawal of approval.* Approval of a mortgagee may be withdrawn by notice from the Commissioner upon violation of the agreement mentioned in § 292.2, and such approval may also be withdrawn at any time for other cause sufficient to the Commissioner, but no withdrawal will in any way affect the insurance of mortgages theretofore accepted for insurance.

APPLICATION AND COMMITMENT

§ 292.5 *Submission of application.* Any approved mortgagee may submit an application for insurance of a mortgage about to be executed, or of a mortgage already executed.

§ 292.6 *Form of application.* The application must be made upon a standard form prescribed by the Commissioner and filed at the local Federal Housing Administration office serving the area in which the property is located.

§ 292.7 *Application fee.* The application must be accompanied by the mortgagee's check to cover, (a) an "Application Fee" computed at the rate of one dollar and fifty cents ($1.50) per thousand dollars ($1,000) of the original face amount of the mortgage loan for which application is made, to cover the costs of analysis by the Commissioner, and (b) a sum (referred to as "Commitment Fee") which when added to the Application Fee will aggregate three dollars ($3.00) per thousand of the face amount of the mortgage loan approved

for insurance by the Commissioner, and which shall be paid at the time of delivery of the commitment. If the application is refused without an estimate of replacement costs being made by the Commissioner, the fee paid will be returned to the applicant. If, after insurance, the amount of an insured mortgage is increased either by amendment or by the substitution of a new insured mortgage, a further fee shall be paid, based upon the amount of such increase.

§ 292.8 *Approval of application.* Upon approval of an application, a commitment will be issued upon a form approved by the Commissioner, setting forth the terms and conditions upon which the mortgage will be insured which commitment may be on a form providing for advances of mortgage money during construction and the insurance of such advances or it may be on a form providing for insurance of the mortgage after completion of the improvements depending upon the request of the mortgagee indicated upon the application for mortgage insurance.

§ 292.9 *Inspection fee.* An inspection fee computed at the rate of five dollars ($5.00) per thousand dollars of the face amount of the commitment shall be paid as provided for in the commitment.

ELIGIBLE MORTGAGES

§ 292.10 *Mortgage must be on approved form.* To be eligible for insurance the mortgage must be executed upon a form approved by the Commissioner for use in the jurisdiction in which the property covered by the mortgage is situated by a mortgagor with the qualifications hereinafter set forth in §§ 292.25 to 292.29, must be a first lien upon property that conforms with the property standards prescribed by the Commissioner, and the mortgagee must be obligated, as a part of the mortgage transaction, to disburse the entire principal amount of the mortgage to, or for the account of, the mortgagor.

§ 292.11 *Amount of principal obligation.* The mortgage must secure a principal obligation in multiples of one hundred dollars ($100) but not exceeding five million dollars ($5,000,000) and not in excess of 90 percent of the amount which the Commissioner estimates will be the replacement cost of the property or project when the proposed improvements are completed. Such part of the mortgage as may be attributable to dwelling use shall not exceed $8,100 per family unit (which amount the Commissioner may by regulation increase by not exceeding $900 in any geographical area where he finds that cost levels so require), except that where the Secretary of Defense or his designee (with respect to projects designed for rent for residential use by civilian and military personnel of the Army, Navy, Marine Corps and Air Force), or the Atomic Energy Commission or its designee (with respect to a project designed for rent for residential use by personnel of the Atomic Energy Commission) in exceptional cases certifies and the Commissioner concurs in such certification that the needs would be better served by single-family detached dwelling units the mortgage may involve a principal obligation not to exceed $9,000 per family unit for such part of such property as may be attributable to such dwelling units.

§ 292.12 *Maturity.* The mortgage must have a maturity satisfactory to the Commissioner and should come due upon the first day of a month.

§ 292.13 *Interest rate.* The mortgage may bear interest at such rate as may be agreed upon between the mortgagee and the mortgagor, but in no case shall such interest rate be in excess of 4 percent per annum. Interest shall be payable only on principal outstanding and shall be payable in monthly installments.

§ 292.14 *Amortization provisions.* The mortgage must contain complete amortization provisions satisfactory to the Commissioner requiring monthly payments on a level annuity or declining annuity basis as agreed upon by the mortgagor and mortgagee. Where the insured mortgage does not exceed $200,000, payments on account of principal shall begin not later than the first day of the twelfth month following execution of the mortgage. Where the mortgage does exceed $200,000, such principal payments shall begin not later than the first day of the twenty-fourth month following the execution of the mortgage, or at such earlier date, as may be determined by the Commissioner at time of commitment. In cases where a commitment has been issued to insure upon completion amortization shall commence on the first day of a month not later than 30 days after the expiration date of the commitment.

§ 292.15 *Payment requirements.* The mortgage may provide for monthly payments by the mortgagor to the mortgagee of an amount equal to one-twelfth of the annual mortgage insurance premium payable by the mortgagee to the Commissioner. Such payments shall continue only so long as the contract of insurance shall remain in effect. The mortgage shall provide that upon the payment of the mortgage before maturity, the mortgagor shall pay the adjusted premium charge referred to in § 293.4 of this subchapter.

§ 292.16 *Covenants for fire insurance.* The mortgagee shall contain a covenant binding the mortgagor to keep the property insured by a standard policy or policies against fire and such other hazards as the Commissioner, upon the insurance of the mortgage, may stipulate, in an amount which will comply with the co-insurance clause applicable to the location and character of the property, but not less than 80 percent of the actual cash value of the insurable improvements and equipment of the project. The initial coverage shall be in an amount estimated by the Commissioner at the time of completion of the entire project or units thereof. The policies evidencing such insurance shall have attached thereto a standard mortgagee clause making loss payable to the mortgagee and the Commissioner, as interests may appear.

§ 292.17 *Additional payment requirements.* (a) The mortgage shall provide for such equal monthly payments by the mortgagor to the mortgagee as will amortize the ground rents, if any, and the estimated amount of all taxes, water rates and special assessments, if any, and fire and other hazard insurance premiums, within a period ending one month prior to the dates on which the same become delinquent. The mortgage shall further provide that such payments shall be held in trust for the benefit and account of the mortgagor by the mortgagee, for the purpose of paying such ground rents, taxes, water rates and assessments, and insurance premiums, before the same become delinquent. The mortgage must also make provision for adjustments in case the estimated amount of such taxes, water rates and assessments, and insurance premiums shall prove to be more, or less, than the actual amount thereof so paid by the mortgagor.

(b) All monthly payments to be made by the mortgagor to the mortgagee as provided in §§ 292.13 to 292.17, shall be added together and the aggregate amount thereof shall be paid by the mortgagor each month in a single payment. The mortgagee shall apply the same to the following items in the order set forth:

(1) Premium charges under the contract of insurance;

(2) Ground rents, taxes, water rates, special assessments, and fire and other hazard insurance premiums;

(3) Interest on the mortgage; and

(4) Amortization of the principal of the mortgage.

(c) Any deficiency in the amount of any such aggregate monthly payments shall, unless made good by the mortgagor prior to or on the due date of the next such payment, constitute an event of default under the mortgage.

§ 292.18 *Rights and remedies of mortgagee in event of default or foreclosure.* The mortgage must contain a provision or provisions, satisfactory to the Commissioner, giving to the mortgagee, in the event of default or foreclosure of the mortgage, such rights and remedies for the protection and preservation of the property covered by the mortgage and the income therefrom, as are available under the law or custom of the jurisdiction.

§ 292.19 *Initial service charge.* The mortgagee may charge the mortgagor the amount of the application fees provided in § 292.7 and an initial service charge to reimburse itself for the cost of closing the transaction. Such initial service charge may be in an amount not in excess of one and one-half percent of the original principal amount of the mortgage.

§ 292.20 *Recording fee, mortgage and stamp taxes.* In addition to the charges hereinbefore mentioned, the mortgagee may collect from the mortgagor only recording fees, mortgage and stamp taxes, if any, and such costs of survey and title search as are approved by the Commissioner.

§ 292.21 *Additional terms and conditions.* The mortgage may contain such other terms, conditions and provisions with respect to advances during construction, assurance of completion, release of parts of the mortgaged property from the lien of the mortgage, insurance, repairs, alterations, payment of taxes, default and management reserves, foreclosure proceedings, anticipation of maturity, and other matters as the Commissioner may in his discretion prescribe or approve. The mortgagee may include in the mortgage a provision for such additional charge in the event of prepayment of principal as may be agreed upon between the mortgagor and mortgagee, provided, however, that the mortgagor must be permitted to prepay up to 15 percent of the original principal amount of the mortgage in any one calendar year without any such additional charge.

§ 292.22 *Certification by proper authorities.* (a) No mortgage covering a project designed for rent for residential use by civilian or military personnel of the Army, Navy, Marine Corps or Air Force, shall be insured under the rules in this part unless the Secretary of Defense or his designee, shall have certified to the Commissioner that the housing with respect to which the mortgage is made is necessary to provide adequate housing for civilian or military personnel of the Army, Navy, Marine Corps, or Air Force (including Government contractors' employees) assigned to duty at the military installation at or in the area of which such property is constructed, that such installation is deemed to be a permanent part of the Military Establishment, and that there is no present intention to substantially curtail activities at such installation.

(b) No mortgage covering a project designed for rent for residential use by personnel of the Atomic Energy Commission shall be insured under the rules in this part unless the Atomic Energy Commission or its designee, shall have certified to the Commissioner that the housing with respect to which the mortgage is made is necessary to provide adequate housing for residential use by personnel of the Atomic Energy Commission (including military personnel and Government contractors' employees) employed or assigned to duty at the Atomic Energy Commission Installation at or in the area in which such property is constructed, that such installation is deemed to be a permanent part of the Atomic Energy Commission establishment, and that there is no present intention to substantially curtail activities at such installation.

§ 292.23 *Eligible mortgages in Alaska.* The Commissioner may, if he finds that, because of higher costs prevailing in the Territory of Alaska, it is not feasible to construct dwellings on property located in Alaska without sacrifice of sound standards of construction, design, or livability, within the limitations as to maximum mortgage amounts provided in § 292.11, prescribe by regulation or otherwise with respect to dollar amount, a higher maximum for the principal obligation of mortgages covering property located in Alaska, in such amounts as he shall find necessary to compensate for such higher costs but not to exceed, in any event, the maximum otherwise applicable by more than one-half thereof.

§ 292.24. *Mortgage covenant regarding racial restrictions.* The mortgage shall contain a covenant by the mortgagor that until the mortgage has been paid in full, or the contract of insurance otherwise terminated, he will not execute or file for record any instrument which imposes a restriction upon the sale or occupancy of the mortgaged property on the basis of race, color, or creed. Such covenant shall be binding upon the mortgagor and his assigns and shall provide that upon violation thereof the mortgagee may, at its option, declare the unpaid balance of the mortgage immediately due and payable.

ELIGIBLE MORTGAGORS

§ 292.25 *Property free of liens and obligations.* A mortgagor must establish that after final disbursement of the loan, the property covered by the mortgage is free and clear of all liens other than such mortgage, and that there will not be outstanding any other unpaid obligation contracted in connection with the mortgage transaction or the purchase of the mortgaged property, except obligations which are secured by property or collateral owned by the mortgagor independently of the mortgaged property.

§ 292.26 *Occupancy priority to military personnel.* A mortgagor must establish, in a manner satisfactory to the Commissioner, that:

(a) After completion of a project designed for rent for residential use by civilian or military personnel of the Army, Navy, Marine Corps, or Air Force, preference or priority of opportunity to occupy will be given to civilian or military personnel of the Army, Navy, Marine Corps, or Air Force and their immediate families (including Government contractors' employees) assigned to duty at the Military Installation at or in the area in which the project is located; or

(b) After completion of a project designed for rent for residential use by personnel of the Atomic Energy Commission, preference or priority of opportunity to occupy will be given to personnel of the Atomic Energy Commission and their immediate families (including military personnel and Government contractors' employees) employed or assigned to duty at the Atomic Energy Commission Installation at or in the area where the project is located.

§ 292.27 *Satisfactory credit standing.* A mortgagor must have a general credit standing satisfactory to the Commissioner.

§ 292.28 *Requirements regarding form of mortgagor.* In addition to meeting the requirements of §§ 292.25 to 292.27, the mortgagor must be:

(a) A corporation or trust formed or created, with the approval of the Commissioner, for the purpose of providing housing for rent or sale, and possessing powers necessary therefor and incidental thereto, which corporation, or trust, until the termination of all obligations of the Commissioner under such insurance, is regulated or restricted by the Commissioner as to rents or sales, charges, capital structures, and methods of operation to such an extent as may be deemed advisable by the Commissioner. Such regulation or restriction shall remain in effect until such time as the mortgage insurance contract terminates without obligation upon the Commissioner to issue debentures as a result of such termination. So long as such contract of insurance is in effect, the corporation or trust shall engage in no business other than the construction and operation of a Rental Housing project or projects; or

(b) A Federal or State instrumentality, a municipal corporate instrumentality of one or more States, or a limited dividend corporation formed under and restricted by Federal or State housing laws as to rents, charges, and methods of operation.

(c) If the mortgage is not in excess of $200,000, the mortgagor may be an individual.

§ 292.29 *Eligible mortgagors in Alaska.* The Commissioner may, in his discretion, waive the requirements set forth in § 292.25 in the case of any project covering property located in Alaska: *Provided,* That the mortgagor in any such case, must have initial funds which may be considered in lieu of the equity required of other mortgagors, and such funds (which may be in the form of Government loans, grants, or subsidies or in other form) if sufficient in amount, will be considered satisfactory provided they do not create a lien against the property prior to that of the insured mortgage. Liens inferior to the lien of the insured mortgage may be allowed against properties of such mortgagors.

SUPERVISION OF MORTGAGORS

§ 292.30 *Working capital requirements.* The mortgagor shall deposit with the mortgagee an amount equivalent to not less than one and one-half percent of the original principal amount of the mortgage, in trust for the purpose of meeting the cost of equipping and renting the project subsequent to completion of construction of the entire project or units thereof, and to pay taxes and insurance premiums for the twelve months' period following the completion of construction. Any balance of said fund not used or set aside for the above purposes shall be paid to the mortgagor upon completion of the entire project to the satisfaction of the Commissioner. In cases where a commitment to insure upon completion is issued, this requirement may be waived at the discretion of the mortgagee.

§ 292.31 *Assurance of completion requirements.* (a) The mortgagor must establish in a manner satisfactory to the Commissioner that, in addition to the proceeds of the insured mortgage, the mortgagor has funds sufficient to assure completion of construction of the project. The Commissioner may require such funds, if any, to be deposited with and held by the mortgagee in a special account or with an acceptable trustee or

escrow agent under an appropriate agreement approved by the Commissioner which will require such funds to be expended for work and material on the physical improvements prior to the advance of any mortgage money.

(b) The Commissioner may require the deposit with the mortgagee or with an acceptable trustee or escrow agent under an appropriate agreement of such cash as may be required for the completion of offsite public utilities and streets.

§ 292.32 *Regulation of mortgagor by Commissioner in general.* A corporate mortgagor shall be regulated through the ownership by the Commissioner of certain shares of special stock (or other evidence of beneficial interest in the mortgagor) which stock or interest will acquire majority voting rights in the event of default under the mortgage or violation of provisions of the charter of the mortgagor or the violation of any valid agreement entered into between the mortgagor, the mortgagee and/or the Commissioner, but only for a period coextensive with the duration of such default or violation. The shares of stock or of beneficial interest issued to the Commissioner, his nominee or nominees and/or the Federal Housing Administration shall be in sufficient amount to constitute under the laws of the particular State a valid special class of stock or interest and shall be issued in consideration of the payment by the Commissioner of not exceeding in the aggregate $100. Such stock shall be represented by certificates issued in the name of the Commissioner, and/or in the name of his nominee or nominees, and/or in the name of the Federal Housing Administration, as the Commissioner shall require. Upon the termination of all obligations of the Commissioner under his contract of mortgage insurance or any succeeding contract or agreement covering the mortgage obligation, including the obligation upon the Commissioner to issue debentures as a result of such termination, all regulation and restriction of the mortgagor shall cease. When the right of the Commissioner to regulate or restrict the mortgagor shall so terminate, the shares of special stock or other evidence of beneficial interest shall be surrendered by the Commissioner upon reimbursement of his payments therefor plus accrued dividends, if any, thereon. Such regulation and the additional regulation or restriction hereinafter provided in § 292.33 shall be made effective by incorporation of appropriate provisions therefor in the charter or other instrument under which the mortgagor is created, or by agreement. In all cases where the insured mortgage is in excess of $200,000, the mortgagor must be a corporation or a trust. In the case of an individual mortgagor, regulation by the Commissioner may be exercised through a regulatory agreement in form and content satisfactory to the Commissioner.

§ 292.33 *Required supervision of mortgagor.* The following are the items which will be regulated or restricted in the manner and to the extent indicated:

(a) No charge shall be made by the mortgagor for the accommodations offered by the project in excess of a rental schedule to be filed with the Commissioner and approved by him or his duly constituted representative prior to the opening of the project for rental, which schedule shall be based upon a maximum average rental fixed prior to the insurance of the mortgage, and shall not thereafter be changed except upon application of the mortgagor to, and the written approval of the change by, the Commissioner.

(b) The established maximum rental shall be the maximum authorized charge against any tenant for the accommodations offered and shall include all services except telephone, gas, electric, and refrigeration facilities. Charges permitted in addition to such maximum rental shall be subject to the approval of the Commissioner.

(c) A reserve for replacements shall be accumulated and maintained with the mortgagee so long as the mortgage insurance is in force, and the amount and types of such reserves and conditions under which they shall be accumulated, replenished and used shall be specified in the regulatory agreement or charter. Failure to comply with the terms of this requirement may be considered by the Commissioner as a default under the terms of the regulatory agreement or charter.

(d) The mortgagor shall keep full and complete records of all corporate meetings of directors, stockholders and finance committee, if any, and of the elections and resignations of its officers; and whether an individual or a corporate mortgagor shall keep complete, orderly and accurate books of account and shall also keep copies of all written contracts or other instruments which affect it or any of its property which shall be subject to inspection and examination by the Commissioner or his duly authorized agents at all reasonable times.

(e) The mortgagor shall furnish at the request of the Commissioner, his employees or attorneys, specific answers to questions upon which information is desired from time to time relative to the income, assets, liabilities, contracts, operations, condition of the property and the status of the insured mortgage and any other information with respect to the mortgagor or its property which may reasonably be required. The above enumeration of specific items shall not be deemed in any manner to limit the generality of the preceding sentence. In case the mortgagor is in default under the insured mortgage, its regulatory agreement or charter, or has failed to meet any of the applicable requirements of this section or is in default with respect to any agreement between the mortgagor and the mortgagee or under any contract for the improvement of the mortgaged premises or under any agreement to which the Federal Housing Commissioner is a party, or in case an inspection shows that the property is not being managed or maintained in a manner satisfactory to the Commissioner, the Commissioner may require the mortgagor to furnish at the expense of the latter a complete audit of its books of account duly certified by a public accountant satisfactory to the Commissioner.

§ 292.34 *Form of assurance of completion.* Assurance for the completion of a project may be either (a) the personal undertaking or obligation in a form and by an obligor or obligors designated by the mortgagee and satisfactory to the Commissioner, in an amount at least equal to 10 percent of the construction cost, or (b) an escrow deposit in an approved depositary of cash or securities of, or fully guaranteed as to principal and interest by, the United States of America, in an amount at least equal to 10 percent of the construction cost, conditioned on completion of the project to the satisfaction of the Commissioner.

§ 292.35 *Waiver of requirements.* In the event the mortgagor is a Federal or State instrumentality, a municipal corporate instrumentality or one or more States, or a limited dividend corporation formed under and restricted by Federal or State housing laws as to rents, charges and methods of operation, as described in § 292.28 (b), the Commissioner may, in his discretion, waive the requirements set forth in §§ 292.30 to 292.34, in whole or in part.

ELIGIBLE PROPERTIES

§ 292.36 *Eligibility of property.* A mortgage to be eligible for insurance must be on real estate held in fee simple, or on the interest of the lessee (a) under a lease for not less than ninety-nine years which is renewable or (b) under a lease having a period of not less than seventy-five years to run from the date the mortgage is executed, or (c) under a lease executed by a governmental agency for the maximum term consistent with its legal authority, provided such lease has a period of not less than fifty years to run from the date the mortgage is executed.

§ 292.37 *Development of property.* At the time the mortgage is insured the mortgagor shall have constructed and completed or shall be obligated to construct and complete new housing accommodations on the mortgaged property designed principally for residential use, conforming to standards satisfactory to the Commissioner, and consisting of not less than eight rentable dwelling units on one site and may be detached, semidetached, or row houses, or multifamily structures.

§ 292.38 *Compliance with zoning restrictions, etc.* Such dwelling and other improvements, if any, must not violate any zoning or deed restrictions applicable to the project site (other than race restrictions), and must comply with all applicable building and other governmental regulations.

§ 292.39 *Certificate of mortgagor regarding racial restrictions.* A mortgagor must establish that no restriction upon the sale or occupancy of the mortgaged property, on the basis of race, color, or creed, has been filed of record at any time subsequent to February 15, 1950, and prior to the recording of the mortgage offered for insurance, and must

certify that, until the mortgage has been paid in full or the contract of insurance otherwise terminated, he will not file for record any such restriction affecting the mortgaged property or execute any agreement, lease, or conveyance affecting the mortgaged property which imposes any such restriction upon its sale or occupancy.

TITLE

§ 292.40 *Eligibility of title.* In order to be eligible for insurance, the Commissioner must determine that marketable title to the mortgaged property is vested in the mortgagor as of the date the mortgage is filed for record. The Commissioner will examine the title to property covered by a mortgage offered for insurance and in the event a determination of eligibility with respect to title is made as herein provided, such finding shall constitute a part of the contract of insurance evidenced by the insurance endorsement.

§ 292.41 *Title evidence.* Upon endorsement of the mortgage for insurance, the mortgagee, without expense to the Commissioner, shall furnish to the Commissioner a survey satisfactory to him and a policy of title insurance as provided in paragraph (a) of this section: *Provided, however,* That in the event the mortgagee is unable to furnish such policy for reasons satisfactory to the Commissioner, the mortgagee, without expense to the Commissioner, shall furnish evidence of title as provided in paragraphs (b), (c), or (d) of this section as the Commissioner may require.

(a) A policy of title insurance with respect to such mortgage issued by a company satisfactory to the Commissioner. Such policy shall comply with the "L. I. C. Standard Mortgagee Form," or the "A. T. A. Standard Mortgagee Form," or such other form as may be approved by the Commissioner and which offers substantially the same coverage under substantially the same conditions and stipulations. Such policies may contain such "permitted" and other exceptions, restrictions, and limitations as are approved by the Commissioner. The policy shall become effective as of the date the mortgage is filed for record and shall run to the mortgagee and the Commissioner, their successors and assigns, as their respective interests may appear.

(b) An abstract of title satisfactory to the Commissioner, prepared by an abstract company or individual engaged in the business of preparing abstracts of title, accompanied by a legal opinion satisfactory to the Commissioner, as to the quality of such title, signed by an attorney at law experienced in the examination of titles.

(c) A Torrens of similar title certificate.

(d) Evidence of title conforming to the standards of a supervising branch of the Government of the United States of America, or of any State or Territory thereof.

INSURANCE OF ADVANCES DURING CONSTRUCTION

§ 292.42 *Agreement as to manner and conditions governing advances.* (a) The Commissioner, the mortgagor and the mortgagee shall, prior to the insurance of the mortgage, agree with respect to the manner and conditions under which advances (if any) during construction are to be made by the mortgagee and approved for insurance by the Commissioner.

(b) Such agreement shall require the mortgagee to notify the Commissioner through the insuring office having jurisdiction over the territory in which the property is situated, in writing, on an application form prescribed by the Commissioner, setting forth the proposed date and the amount of the advance to be made, and the Commissioner shall deliver to the mortgagee within a reasonable time from the date of such notice a certificate executed on behalf of the Commissioner on a form prescribed by him setting forth the amount approved for insurance or advising the mortgagee of the Commissioner's nonapproval and setting forth the reasons therefor.

(c) Such agreement shall be set forth on a form prescribed by the Commissioner, shall contain such additional terms, conditions and provisions as the Commissioner shall in the particular case prescribe or approve, and when properly executed by the Commissioner and the mortgagee, shall constitute a part of the mortgage insurance contract.

§ 292.43 *Prevailing wage and labor standards requirements.* (a) Any contract or subcontract executed for the performance of construction of the project shall comply with all applicable Labor Standards and provisions of the Regulations of the Secretary of Labor, issued May 9, 1951, 29 CFR 5.1–5.12 (16 F. R. 4430).

(b) No construction contract shall be entered into with a general contractor or any subcontractor if such contractor or any such subcontractor or any firm, corporation, partnership or association in which such contractor or subcontractor has a substantial interest is included on the ineligible list of contractors or subcontractors established and maintained by the Comptroller General, pursuant to regulations of the Secretary of Labor, 29 CFR 5.6 (b) (16 F. R. 4431).

(c) No advance under the mortgage shall be eligible for insurance after notification from the Commissioner that the general contractor or any subcontractor or any firm, corporation, partnership or association in which such contractor or subcontractor has a substantial interest was, on the date the contract or subcontract was executed, on the ineligible list established by the Comptroller General, pursuant to regulations of the Secretary of Labor, 29 CFR 5.6 (b) (16 F. R. 4431).

(d) No advance under any mortgage shall be eligible for insurance unless there is filed with the application for such advance a certificate or certificates in the form required by the Commissioner, certifying that the laborers and mechanics employed in the construction of the dwelling or dwellings or housing project involved have been paid not less than the wages prevailing in the locality in which the work was performed for the corresponding classes of laborers and mechanics employed on construction of a similar character, as determined by the Secretary of Labor prior to the beginning of construction and after the date of filing of the application for insurance.

(e) Compliance with the provisions of this section shall be evidenced at such time and in such manner as the Commissioner may prescribe.

§ 292.44 *Non-application.* In the event a commitment to insure upon completion is issued and accepted the provisions of § 292.42 (b) and (c) do not apply.

Effective date. These administrative rules are effective as to all mortgages with respect to which a commitment to insure under Title VIII of the National Housing Act shall be issued on or after the date hereof.

Issued at Washington, D. C., September 4, 1951.

WALTER L. GREENE,
Acting Federal Housing Commissioner.

[F. R. Doc. 51-10831; Filed, Sept. 7, 1951; 8:48 a. m.]

PART 293—MILITARY HOUSING INSURANCE: RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

Sec.

AUTHORITY: §§ 293.1 to 293.19 issued under sec. 608, as added by sec. 1, 63 Stat. 570; 12 U. S. C. Sup. 1748g.

§ 293.1 *Citations.* The regulations in this part may be cited as 24 CFR Part 293, and referred to as "Regulations of the Federal Housing Commissioner

under Title VIII of the National Housing Act, revised September 4, 1951".

DEFINITIONS

§ 293.2 *Definition of terms used in regulations.* As used in the regulations in this part:

(a) The term "Commissioner" means the Federal Housing Commissioner.

(b) The term "act" means the National Housing Act, as amended.

(c) The term "mortgage" means such a first lien upon real estate and other property as is commonly given to secure advances (including but not being limited to advances during construction) on, or the unpaid purchase price of, real estate under the laws of the State, district or Territory in which the real estate is located, together with the credit instrument or instruments, if any, secured thereby.

(d) The term "insured mortgage" means a mortgage which has been insured by the endorsement of the Commissioner, or his duly authorized representative.

(e) The term "mortgagor" means the original borrower under a mortgage and its successors and such of its assigns as are approved by the Commissioner.

(f) The term "mortgagee" means the original lender under a mortgage, its successors and such of its assigns as are approved by the Commissioner, and includes the holders of the credit instruments issued under a trust mortgage or deed of trust pursuant to which such holders act by and through a trustee therein named.

PREMIUMS

§ 293.3 *Annual mortgage insurance premiums.* (a) The mortgagee, upon the initial endorsement of the mortgage for insurance, shall pay to the Commissioner a first mortgage insurance premium equal to one-half of one percent of the original face amount of the mortgage.

(1) If the date of the first principal payment is more than one year following the date of such initial insurance endorsement the mortgagee, upon the anniversary of such insurance date, shall pay a second premium equal to one-half of one percent of the original face amount of the mortgage. On the date of the first principal payment the mortgagee shall pay a third premium equal to one-half of one percent of the average outstanding principal obligation of the mortgage for the following year which shall be adjusted so as to accord with such date and so that the aggregate of the said three premiums shall equal the sum of (i) one percent of the average outstanding principal obligation of the mortgage for the year following the date of initial insurance endorsement and (ii) one-half of one percent per annum of the average outstanding principal obligation of the mortgage for the period from the first anniversary of the date of initial insurance endorsement to one year following the date of the first principal payment.

(2) If the date of the first principal payment is one year or less than one year following the date of such initial insurance endorsement the mortgagee, upon such first principal payment date, shall pay a second premium equal to one-half of one percent of the average outstanding principal obligation of the mortgage for the following year which shall be adjusted so as to accord with such date and so that the aggregate of the said two premiums shall equal the sum of (i) one percent per annum of the average outstanding principal obligation of the mortgage for the period from the date of initial insurance endorsement to the date of first principal payment and (ii) one-half of one percent of the average outstanding principal obligation of the mortgage for the year following the date of the first principal payment.

(3) Where the credit instrument is initially and finally endorsed for insurance pursuant to a Commitment to Insure Upon Completion, the mortgagee on the date of the first principal payment shall pay a second premium equal to one-half of one percent of the average outstanding principal obligation of the mortgage for the year following such first principal payment date which shall be adjusted so as to accord with such date and so that the aggreagte of the said two premiums shall equal the sum of one-half of one percent per annum of the average outstanding principal obligation of the mortgage for the period from the date of the insurance endorsement to one year following the date of the first principal payment.

(b) Until the mortgage is paid in full or until claim under the contract of insurance is made or until the contract of insurance shall terminate the mortgagee, on each anniversary of the date of the first principal payment, shall pay an annual mortgage insurance premium equal to one-half of one percent of the average outstanding principal obligation of the mortgage for the year following the date on which such premium becomes payable.

(c) The premiums payable on and after the date of the first principal payment shall be calculated in accordance with the amortization provisions without taking into account delinquent payments or prepayments.

(d) Premiums shall be payable in cash or in debentures issued by the Commissioner under Title VIII of the act at par plus accrued interest. All premiums are payable in advance and no refund can be made of any portion thereof except as hereinafter provided in § 293.4.

§ 293.4 *Prepayment premium charges.* (a) In the event that the principal obligation of any mortgage accepted for insurance is paid in full prior to maturity, the mortgagee shall within 30 days thereafter notify the Commissioner of the date of prepayment and shall collect from the mortgagor and pay to the Commissioner an adjusted premium charge of one percent of the original face amount of the prepaid mortgage, except that if at the time of any such prepayment there is placed on the mortgaged property a new insured mortgage in an amount less than the original face amount of the prepaid mortgage, an adjusted premium shall be paid based upon the difference between such amounts at the rate applicable as above stated, depending upon the date of prepayment.

(b) In no event shall the adjusted premium exceed the aggregate amount of premium charges which would have been payable if the mortgage had continued to be insured until maturity.

(c) No adjusted premium shall be collected by the mortgagee in the following cases:

(1) Where at the time of such prepayment there is placed on the mortgaged property a new insured mortgage for an amount equal to or greater than the original face amount of the prepaid mortgage; or

(2) Where the final maturity specified in the mortgage is accelerated solely by reason of partial prepayments made by the mortgagor which do not exceed in any one calendar year 15 percent of the original face amount of the mortgage; or

(3) Where the final maturity specified in the mortgage is accelerated solely by reason of payments to principal to compensate for damage to the mortgaged property, or a release of a part of such property if approved by the Commissioner; or

(4) Where payment in full is made of a delinquent mortgage on which foreclosure proceedings have been commenced, or for the purpose of avoiding foreclosure, if the transaction is approved by the Commissioner; or

(5) Where, at the time of prepayment, there is placed on the property a new insured mortgage less than the original principal amount of the prepaid mortgage: *Provided,* That the Commissioner finds that the collection of such charge would be inequitable under the particular circumstances of the transaction.

(d) Upon such prepayment the contract of insurance shall terminate, and the Commissioner will refund to the mortgagee for the account of the mortgagor an amount equal to the prorata portion of the current annual mortgage insurance premium theretofore paid, which is applicable to the portion of the year subsequent to such prepayment.

INSURANCE ENDORSEMENT

§ 293.5 *Form of endorsement of original credit instrument.* Upon compliance satisfactory to the Commissioner with the terms and conditions of his commitment to insure, the Commissioner shall endorse the original credit instrument in form as follows:

No. ---------
Insured under Title VIII
Of the National Housing Act
and Regulations Thereunder of the
Federal Housing Commissioner
In Effect on ----------
To the Extent of Advances
Approved by the Commissioner
FEDERAL HOUSING COMMISSIONER
By ----------
Authorized agent
Date ----------

§ 293.6 *Contract of insurance.* The mortgage shall be an insured mortgage from the date of such endorsement. The Commissioner and the mortgagee shall thereafter be bound by the regulations in this part with the same force and to the same extent as if a separate contract had been executed relating to the insured mortgage, including the provisions of the

regulations in this part and of the National Housing Act. The term "contract of insurance" as used herein means the agreement evidenced by such endorsement.

§ 293.7 *Approval endorsement form.* (a) After all advances under the mortgage have been made with the approval of the Commissioner, the Commissioner, upon proof of compliance with any and all conditions upon which prior advances were approved for insurance, and upon presentation of the orginal credit instrument, will make a notation below the insurance endorsement in form as follows:

A total sum of $_____
Has Been Approved for Insurance Hereunder
By the Commissioner
FEDERAL HOUSING COMMISSIONER
By_____
Authorized agent
Date_____

(b) In cases where a commitment has been issued to insure upon completion the Commissioner will, upon full compliance with the terms of such commitment, endorse the original credit instrument for insurance by executing both certificates of the endorsement form as set forth in § 293.5 and this section.

RIGHTS AND DUTIES OF A MORTGAGEE UNDER THE CONTRACT OF INSURANCE

§ 293.8 *Benefits of insurance.* The mortgagee shall be entitled to receive the benefits of the insurance, at its option, either as provided in paragraph (a) or paragraph (b) of this section.

(a) If the mortgagor fails to make any payment due under or provided to be paid by the terms of the mortgage, whether or not such failure to pay is caused by failure to perform some other covenant or obligation under the mortgage because of which the mortgagee has declared the full amount due and payable under an acceleration clause contained therein, and such failure continues for a period of thirty days, the mortgage shall be considered in default and the mortgagee shall within thirty days thereafter give notice in writing to the Commissioner of such default. At any time within thirty days after the date of such notice, or within such further period as may be agreed upon by the Commissioner in writing, the mortgagee shall, in such manner as the Commissioner may require, assign, transfer, and deliver to the Commissioner the original credit instrument and the mortgage securing the same, without recourse or warranty, except that the mortgagee must warrant that no act or omission of the mortgagee has impaired the validity and priority of the mortgage, that the mortgage is prior to all mechanics' and materialmen's liens filed of record subsequent to the recording of such mortgage regardless of whether such liens attached prior to such recording date, and prior to all liens and encumbrances which may have attached or defects which may have arisen subsequent to the recording of such mortgage except such liens or other matters as may be approved by the Commissioner, that the amount stated in the instrument of assignment is actually due and owing under the mortgage, that there are no offsets or counterclaims thereto, and that the mortgagee has a good right to assign the mortgage and other items enumerated below:

(1) All rights and interest arising under the mortgage so in default;

(2) All claims of the mortgagee against the mortgagor or others, arising out of the mortgage transaction;

(3) All policies of title or other insurance or surety bonds or other guaranties, and any and all claims thereunder;

(4) Any balance of the mortgage loan not advanced to the mortgagor;

(5) Any cash or property held by the mortgagee or its agents or to which it is entitled, including deposits made for the account of the mortgagor and which have not been applied in reduction of the principal of the mortgage indebtedness; and

(6) All records, documents, books, paper, and accounts relating to the mortgage transactions.

Nothing contained in this paragraph shall be so construed as to prevent the mortgagee from taking action at a later date than herein specified, provided the Commissioner agrees thereto in writing. The mortgagee, prior to the assignment of the mortgage to the Commissioner, shall offer evidence satisfactory to him that the original title coverage has been extended to include all advances of mortgage money made up to the date of assignment showing title satisfactory to the Commissioner as defined in § 293.11.

(b) If the mortgagor fails to make any payment to the mortgagee required by the mortgage, or to perform any other covenant or obligation under the mortgage, and such failure continues for the period of grace, if any, set forth in the mortgage, the mortgage shall be considered in default, and the mortgagee, within a period of thirty days after the occurrence of a default arising on account of such failure to make any such payment or within such period after the mortgagee shall have knowledge of the occurrence of a default arising on account of such failure to perform any other covenant or obligation under the mortgage, shall give notice in writing to the Commissioner of such default. At any time within a period of ninety days after the date of such notice or within such later time as may be agreed upon by the Commissioner in writing, the mortgagee, at its election, shall either:

(1) With, and subject to, the consent of the Commissioner, acquire by means other than foreclosure of the mortgage, possession of, and title to, the mortgaged property; or

(2) Institute proceedings for the foreclosure of the mortgage and obtain possession of the mortgaged property and the income therefrom through the voluntary surrender thereof by the mortgagor or institute, and prosecute with reasonable diligence, proceedings for the appointment of a receiver of the mortgaged property and the income therefrom or proceed to exercise such other rights and remedies as may be available to it for the protection and preservation of the mortgaged property and the income therefrom under the mortgage and the law of the particular jurisdiction: *Provided*, That if the laws of the State in which the mortgaged property is situated do not permit the institution of such proceedings within such period of time, the mortgagee shall institute such proceedings within sixty days after the expiration of the time during which the institution of such proceedings is prohibited by such laws. Nothing contained in this paragraph shall be so construed as to require the mortgagee to take any action when the necessity therefor has been waived in writing by the Commissioner nor to prevent the mortgagee from taking action at a later date than herein specified provided the Commissioner so agrees in writing. The mortgagee shall promptly give notice in writing to the Commissioner of the institution of foreclosure proceedings under this paragraph and shall exercise reasonable diligence in prosecuting such proceedings to completion. If after default and prior to the completion of foreclosure proceedings the mortgagor shall pay to the mortgagee all payments in default and such expenses as the mortgagee shall have incurred in connection with the foreclosure proceedings, notice thereof shall be given to the Commissioner by the mortgagee, and the insurance shall continue as if such default had not occurred.

(c) If, during the time the mortgage is insured and before the mortgagee has received the benefits of the insurance as provided in this section, the United States acquires, or commences eminent domain proceedings to acquire, all or a substantial part (as defined by the Commissioner) of the mortgaged property for the use of the National Military Establishment, or the Atomic Energy Commission, the mortgagee may, upon compliance with the provisions of paragraph (a) of this section, receive the benefits of the insurance as provided therein notwithstanding the fact that the mortgage may not be in default.

§ 293.9 *Computation of benefits received by assignment.* If the mortgagee elects to proceed under, and does proceed under and in accordance with, the provisions of § 293.8 (a) or (c), and furnishes evidence satisfactory to the Commissioner that there are no past due and unpaid ground rents, general taxes, or special assessments, and furnishes the warranties described in said paragraphs, the Commissioner shall deliver to the mortgagee:

(a) Debentures of the Military Housing Insurance Fund as set forth in section 803 of the act, issued as of the date the mortgage became in default, bearing interest from such date at the rate of two and one-half percent per annum, payable semi-annually on the first day of January and the first day of July of each year and having a total face value equal to the value of the mortgage as defined in section 803 (d) of the act. Such value shall be determined by adding to the original principal of the mortgage which was unpaid on the date of default the amount the mort-

gagee may have paid for (1) taxes, special assessments, and water rates which are liens prior to the mortgage; (2) insurance on the property; and (3) reasonable expenses for the completion and preservation of the property and any mortgage insurance premium paid after default; less the sum of (i) an amount equivalent to one percent of the unpaid amount of such principal obligation on the date of default; (ii) any amount received on account of the mortgage after such date; and (iii) any net income received by the mortgagee from the property after such date. Such debentures shall be registered as to principal and interest and all or any such debentures may be redeemed at the option of the Commissioner with the approval of the Secretary of the Treasury at par and accrued interest on any interest payment day on three months' notice of redemption given in such manner as the Commissioner shall prescribe. Such debentures shall be issued in multiples of $50 and any difference not in excess of $50 between the amount of debentures to which the mortgagee is otherwise entitled hereunder and the aggregate face value of the debentures issued shall be paid in cash by the Commissioner to the mortgagee.

(b) A Certificate of Claim in accordance with section 803 (g) of the act which shall become payable, if at all, upon the sale and final liquidation of the interest of the Commissioner in such property. This Certificate shall be for an amount which the Commissioner shall determine to be sufficient to pay all amounts due under the mortgage and not covered by the amount of debentures. Each such Certificate of Claim shall provide that there shall accrue to the holder thereof with respect to the face amount of such Certificate an increment at the rate of 3 percent per annum.

§ 293.10 *Computation of benefits received by conveyance.* If the mortgagee elects to proceed under, and does proceed under and in accordance with, the provisions of § 293.8 (b) and at any time within thirty days (or such further time as may be allowed by the Commissioner in writing) after acquiring title to and possession of the mortgaged property in accordance with such subsection, tenders to the Commissioner possession thereof and a deed thereto containing a covenant which warrants against acts of the mortgagee and of all parties claiming by, through, or under the mortgagee, conveying title to such property satisfactory to the Commissioner, as provided in § 293.11 and assigns (without recourse or warranty) any and all claims which it has acquired in connection with the mortgage transaction and as a result of the foreclosure proceedings or other means by which it acquired such property, including but not limited to any claims on account of title insurance and fire or other hazard insurance, except such claims as may have been released with the prior approval of the Commissioner, the Commissioner shall promptly accept conveyance to such property and such assignments, notwithstanding that the buildings or improvements thereon shall be incomplete or lay have been destroyed, damaged, or injured in whole or in part, and shall deliver to the mortgagee debentures and Certificate of Claim as provided in § 293.9, except that the one percent deduction set out in § 293.9 (a) (i) with respect to the amount of debentures shall not apply.

§ 293.11 *Title in case of conveyance.* Title satisfactory to the Commissioner within the meaning of § 293.10 will be such title as was vested in the mortgagor as of the date the mortgage was filed for record, but must be free and clear of all mechanics' and materialmen's liens filed of record subsequent to the recording of such mortgage, regardless of whether such liens attached prior to such recording date, and free and clear of all liens and encumbrances which may have attached, or defects which may have arisen subsequent to the recording of such mortgage, except such liens or other matters as may be approved by the Commissioner.

§ 293.12 *Evidence of title.* The mortgagee, at the time a deed is tendered in accordance with § 293.10, shall furnish to the Commissioner without expense to him satisfactory evidence of such title. Such title evidence shall be executed as of a date to include the recordation of the deed to the Commissioner and, shall be in the form of an owner's policy of title insurance, or a satisfactory abstract and attorney's opinion covering the period subsequent to the recording of the mortgage, or a satisfactory continuation of the title evidence accepted by the Commissioner at the time the mortgage was insured, depending upon the form of title evidence originally accepted by the Commissioner.

§ 293.13 *Fire and hazard insurance.* The mortgaged premises shall at all times be insured againt fire and other hazards as provided in the mortgage. The duty shall be upon the mortgagee to provide such coverage in the event the mortgagor fails to do so. If the mortgagee fails to pay any premiums necessary to keep the mortgaged premises so insured, the contract of insurance may be terminated at the election of the Commissioner. If at the time claim is filed for debentures the property has been damaged by fire or other hazards and loss has been sustained by reason of failure to keep the property insured as provided in the mortgage, the amount of such loss may be deducted from the amount of the debentures. In the event a loss has occurred to the mortgaged property under any policy of fire or other hazard insurance and the amount of any funds received by the mortgagee in payment of such loss shall be sufficient to pay in full the entire mortgage indebtedness, the mortgage shall, upon receipt of such funds by the mortgagee, be deemed paid and the contract of mortgage insurance made with the Commissioner shall thereupon terminate. If, however, any funds so received shall be insufficient to pay such mortgage indebtedness in full, the mortgagee shall not exercise its option under the mortgage to use the proceeds of such insurance for the repairing, replacing or rebuilding of such premises or to apply such proceeds to the mortgage indebtedness without prior written approval of the Commissioner. If the Commissioner shall fail to give his approval to the use or application of such funds for either of said purposes within thirty days after written request by the mortgagee, the mortgagee may use or apply such funds for any of the purposes specified in the mortgage without the approval of the Commissioner.

§ 293.14 *Mortgage default or prepayment.* If after the mortgage becomes in default, as provided in § 293.8, the mortgagee does not make the assignment provided in § 293.8 (a) or (c), or does not foreclose or otherwise acquire the mortgaged property and make the conveyance provided in § 293.10, and written notice thereof is given to the Commissioner; or in the event that the mortgager pays the obligation under the mortgage in full prior to the maturity thereof and the mortgagee pays the adjusted premium charge required under the provisions of § 293.4 and written notice thereof is given to the Commissioner, the obligation to pay the annual premium charge shall cease, and all rights of the mortgagee and the mortgagor under § 293.9 and § 293.10 shall terminate as of the date of such notice.

§ 293.15 *Termination of contract of insurance.* In the event that the mortgagee fails to comply with the provisions of §§ 293.8 (a) or (c) and 293.9, or §§ 293.8 (b) and 293.10, then the contract of insurance shall thereupon terminate.

ASSIGNMENTS

§ 293.16 *In general.* (a) Bonds or other obligations issued in connection with an insured mortgage executed in the form of an indenture of trust providing for the issue and sale of such bonds or other obligations and appointing a trustee to act on behalf of the holders of such bonds or other obligations may be transferred as provided in the indenture of trust.

(b) An insured mortgage, other than a mortgage executed in the form of an indenture of trust providing for the issue and sale of bonds or other obligations and appointing a trustee to act on behalf of the holders of such bonds or other obligations, may be transferred (but, except with the written approval of the Commissioner, only subsequent to full disbursement of the mortgage loan) to a transferee who is a mortgagee approved by the Commissioner. Upon such approval and transfer and the assumption by the transferee of all obligations under the contract of insurance, the transferor shall be released from its obligations under the contract of insurance.

§ 293.17 *Termination of contract of mortgage insurance by assignment.* The contract of insurance shall terminate with respect to mortgages described in § 293.16 (b) upon the happening of either of the following events:

(a) The acquisition of the insured mortgage by or the pledge thereof to any person, firm, or corporation, public or private, except as specifically provided in § 293.16 (b).

(b) The disposal by a mortgagee of any partial interest in the insured mortgage by means of a declaration of trust or by a participation or trust certificate or by any other device unless with the prior written approval of the Commissioner: *Provided*, That this paragraph shall not be applicable to any mortgage so long as it is held in a common trust fund maintained by a bank or trust company (1) exclusively for the collective investment and reinvestment of moneys contributed thereto by the bank or trust company in its capacity as a trustee, executor or administrator; and (2) in conformity with the rules and regulations prevailing from time to time of the Board of Governors of the Federal Reserve System, pertaining to the collective investment of trust funds: *Provided further*, That this paragraph shall not be applicable to any mortgage so long as it is held in a common trust estate administered by a bank or trust company which is subject to the inspection and supervision of a governmental agency, exclusively for the benefit of other banking institutions which are subject to the inspection and supervision of a governmental agency, and which are authorized by law to acquire beneficial interests in such common trust estate, nor to any mortgage transferred to such a bank or trust company as trustee exclusively for the benefit of outstanding owners of undivided interests in the trust estate, under the terms of certificates issued and sold more than three years prior to said transfer, by a corporation which is subject to the inspection and supervision of a governmental agency.

RIGHTS IN HOUSING FUND

§ 293.18 *No vested rights.* Neither the mortgagee nor the mortgagor shall have any vested or other right in the "Military Housing Insurance Fund".

AMENDMENTS

§ 293.19 *Amendments to regulations.* The regulations in this part may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendments shall not affect the contract of insurance on any mortgage already insured or any mortgage or prospective mortgage on which the Commissioner has made a commitment to insure.

Effective date. The regulations in this part shall be effective as to all mortgages with respect to which a commitment to insure under Title VIII is issued on or after the date hereof.

Issued at Washington, D. C., September 4, 1951.

WALTER L. GREENE,
Acting Federal Housing Commissioner

[F. R. Doc. 51-10832; Filed, Sept. 7, 1951; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 1, Revision 1]

CPR 1—REV. 1—NEW PASSENGER AUTOMOBILES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Revised Ceiling Price Regulation 1 is hereby issued.

STATEMENT OF CONSIDERATIONS

On December 18, 1950, Ceiling Price Regulation 1 was issued imposing a temporary "freeze" on prices of new passenger automobiles at the level of December 1, 1950. A continuing study and analysis was then instituted to determine whether price increases were necessary for the industry. Thereafter, as an interim measure, a 3½ percent increase over the level established by the "freeze" was permitted to manufacturers to relieve them from the pressure of increased labor and material costs subsequent to the opening of hostilities in Korea. It was anticipated that further adjustments in ceiling prices would be determined by a standard announced soon thereafter. This standard declared that if the dollar profits of the industry amounted to less than 85 percent of the average for the industry's best three years during the period 1946–49, inclusive, an increase in the prices prevailing would be required to make such prices generally fair and equitable. In this direction the studies and analyses of the Office of Price Stabilization continued and revealed that an increase probably would be required under this standard.

Meantime general manufacturers' regulations were issued under which the manufacturer was permitted to calculate new ceiling price to reflect increases in his actual direct material costs to December 31 (to March 15 for certain materials) and his direct labor costs to March 15, 1951. Initially, new passenger automobiles were excluded from these manufacturers' regulations on the assumption that CPR 1 provided a tailored regulation which avoided distorted ceiling price relationships such as those appearing under the General Ceiling Price Regulation. However, investigation revealed that CPR 1 preserved varying price increases put into effect prior to December 1, 1950, by some manufacturers, but not by others. The Director of Price Stabilization is of the judgment that this revised regulation, which adapts the techniques of CPR 30 (pre-Korea prices plus increases in labor and material costs) to the passenger automobile industry, solves the problem of distorted price relationships and yields more equitable results.

In the Defense Production Act amendments of 1951, Congress has set forth minimum standards of prices to be provided in future regulations. This regulation meets the standards by providing that no ceiling price used be lower than the price prevailing just before the date of issuance of the regulation.

This regulation does not make provision for adjustments under the third sentence of section 402 (b) (4) of the act, as amended. Regulations implementing the formula provided in the amended Act are still under development and consideration by the Director of Price Stabilization. However, it has been decided to issue this regulation immediately and not await the issuance of such implementing regulations. This regulation provides the automobile industry with a regulation assuring more nearly normal price relationships. In order to assure the balanced price structure which the industry has indicated is so important, the regulation establishes one base date instead of optional base periods and provides only one method for computing cost increases rather than a series of optional methods, using a kind of sampling technique that is peculiarly adaptable to the accounting and pricing methods of the industry.

Under this revised regulation passenger automobile manufacturers may adjust presently prevailing prices upward to reflect certain increases in cost of materials and labor. To obtain the percentage of cost increase the manufacturer will take a single automobile representative of his best selling automobile and calculate the increased cost of materials and direct labor entering into this automobile between certain dates. He will then obtain a price increase adjustment factor by adding the increased cost adjustments to the base price of the automobile and dividing the result by the current price of the automobile. The same price increase adjustment factor will be applicable to every other car of that make and to extra equipment used on that make of automobile. Price increase adjustment factors will be established by the Director on application of the manufacturer for those models not sold on the base date. New models of cars and extra equipment are to be priced in line with other cars. Each manufacturer is to submit his price increase factor and a statement of all prices, extra charges and deductions, such as for transportation, handling and delivery, etc., to the Director of Price Stabilization. The new ceiling prices may be made effective five days after filing with the Office of Price Stabilization.

Every effort has been made to conform this revised regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of the regulation.

This revision supersedes in their entirety provisions of CPR 1 issued December 18, 1950, and all amendments thereto.

Prior to July 31, 1951, a meeting was held with the Industry Advisory Com-

mittee. At this meeting the ceiling prices, the price structure and pricing techniques then applicable to the industry and proposals for changes therein were discussed. After the enactment of the amendments to the Act conferences were held with many industry representatives individually who have urged prompt action. Consideration was given to their recommendations. Further consultation at this time is believed to be neither necessary nor practicable in the judgment of the Director of Price Stabilization. In the judgment of the Director of Price Stabilization, the ceiling prices established by this regulation are generally fair and equitable to buyers and sellers alike, and are necessary to effectuate the purpose of Title 4 of the Defense Act of 1950 as amended.

REGULATORY PROVISIONS

Sec.
1. Sellers and sales covered by this regulation.
2. General description of the pricing technique.
3. Base period and base period price.
4. Ceiling prices established by this regulation.
5. How to calculate the materials cost increase adjustment.
6. How to calculate the labor cost increase adjustment.
7. The price increase adjustment factor.
8. The price increase adjustment factor where model now sold was not manufactured on the base date.
9. Application of the price increase adjustment factor to various body styles, lines or series of the same make, and to extra equipment for that make.
10. Ceiling prices for new products.
11. Modification of automobiles and application for changed ceiling prices.
12. Reports.
13. Adjustable pricing.
14. Petitions for amendment.
15. Records and invoices.
16. Prohibition against sale or delivery at prices above ceiling.
17. Prices less than ceiling.
18. Evasion.
19. Violation.
20. Definitions.

AUTHORITY: Sections 1 to 20 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *Sellers and sales covered by this regulation.* This revised regulation applies to you if you are a manufacturer of passenger automobiles. It establishes ceiling prices for the sale or delivery in the United States, its territories or possessions, or the District of Columbia, of any new passenger automobile which you manufacture and its extra, special or optional equipment. This revised regulation supersedes Ceiling Price Regulation 1, dated December 18, 1950 and Amendments 1 and 2, thereto.

SEC. 2. *General description of the pricing technique.* (a) This section describes generally how you will arrive at ceiling prices for new automobiles and their extra equipment. In reading this and succeeding sections, you need to become familiar with the terms: "New Passenger Automobile", "Make", "Line or Series", "Body Style", "Model", "Counterpart Model", "Standard Equipment", "Extra, Special or Optional Equipment", and "Class of Purchaser". Their definitions will be found in section 20.

(b) Your ceiling price is arrived at by adjusting your present ceiling prices to reflect certain cost increases for materials and labor since the base date (sec. 3). These increases will be computed on the basis of a bill of materials and labor on a single best selling automobile of a make. A price increase adjustment factor for that make will then be calculated upon the relationship of the base date price of that automobile plus the labor and materials cost adjustment, and the current ceiling price of the automobile upon which these adjustments are calculated. Your price increase adjustment factor will be used to determine the ceiling price of all automobiles of the same make and their extra equipment. If you cannot arrive at a price increase adjustment factor for any make, because no automobile of that make or line or series was produced on the base date, you will apply to the Director for an order pursuant to section 8 for the establishment of such factor.

SEC. 3. *Base period and base period price.* The base date is June 25, 1950. The "Base Date Price" of a new passenger automobile to a class of purchasers is the net price (f. o. b. factory) you charged on June 24, 1950, for the same model or counterpart model, including all standard equipment, to the same class of purchaser. The "Base Date Price" of an item of optional equipment for such new automobile to a class of purchasers is the net price (f. o. b. factory) you charged on June 24, 1950 for the item or counterpart equipment to the same class of purchaser.

SEC. 4. *Ceiling prices established by this regulation.* (a) Under this revised regulation your ceiling price for a new automobile to a class of purchasers will be the ceiling price in effect on the date of the issuance of this revised regulation in each body style, in each line or series, or their counterparts of each make, to the same class of purchaser, multiplied by the price increase adjustment factor for that make. The ceiling price shall include all equipment that was standard for each such body style, line or series of each make on the date of the issuance of this regulation.

(b) If a new automobile is sold with equipment additional to that which was standard on the date of the issuance of this revised regulation, you may add to the ceiling price of the automobile determined under paragraph (a) the ceiling price in effect on the date of the issuance of this revised regulation to the same class of purchaser for the additional equipment multiplied by the price increase adjustment factor applicable to the make of automobile to which the additional equipment is attached.

(c) In addition to the ceiling price you may make separate charges for transportation, federal excise taxes, and handling and delivery, or other charges, in accordance with your usual practice on December 1, 1950. You shall not change the practice which you then followed with respect to transportation charges, financing, taxes, or other charges incident to the sale or delivery of new automobiles where the effect of such change would be to increase the cost to the purchaser, nor may you increase the handling and delivery charge in effect on the date of issuance of this revised regulation.

(d) Notwithstanding the provisions of (a) and (b) above, you may, if you so elect, continue to use your ceiling prices on automobiles or items of extra, special or optional equipment in effect at the above the charge in effect on the date of issuance of this revised regulation.

SEC. 5. *How to calculate the materials cost increase adjustment.* (a) To calculate your increase in materials cost, take the base date bill of materials of your best selling automobile and find the total cost to you of all items thereof on the base date. Then find the total cost to you of the same items on December 31, 1950, except for those items listed in Appendix A, for which you will take the cost to you on March 15, 1951. Subtract the first sum from the second. The result will be your materials cost increase adjustment. This calculation must not include any increase in materials cost occasioned by use of "conversion steel".

(b) Your best selling automobile refers to that body style of any line or series of a make which accounted for the greatest volume of sales during the model year of 1950. If you manufacture more than one make of automobile you shall calculate your materials cost increase adjustment upon the best selling automobile of each make.

(c) The term "material" refers to a material entering directly into the automobile upon which the calculation is based or used directly in the manufacturing processes from which the automobile results, together with packaging material, purchased fuel, steam or electric energy and subcontracted industrial services which are directly related to the manufacture of the automobile. It includes all tools, supplies and materials if they are expended directly in the production of the automobile. It does not include materials or subcontracted industrial services used in replacing, maintaining or expanding your plant or equipment, or other materials or supplies, the use of which is not directly dependent upon the rate at which you manufacture the automobile.

(d) You may omit from your calculations any material which is not significant, or which has not decreased in price.

(e) To determine the net cost to you per unit of a material as of a prescribed date you must disregard any cost based upon a departure from your normal buying practices. In no event may the cost you use be in excess of the ceiling price in effect on the date of issuance of this revised regulation. If you did not purchase a material on the base date or on December 31, 1950 or March 15, 1951, as the case may be, you will take the net cost per unit for the last delivery of the material to you prior to the prescribed date.

(f) If the material is produced in one unit of your business and is transferred at a stated price to another unit you may

reflect in your materials cost adjustment the difference in the transfer price appearing on your books between the base date and December 31, 1950 or March 15, 1951 whichever date is applicable.

SEC. 6. *How to calculate the labor cost increase adjustment.* (a) To calculate your increase in labor costs take the total per unit labor costs as described in (b) below at your main plant on the automobile which you use for your calculations under section 5 on the base date. Then calculate the total labor costs that would have resulted had you used the wage rates prevailing on March 15, 1951 for the same classifications of labor. Subtract the first sum from the second. The result will be your labor cost increase adjustment.

(b) Labor costs shall not include labor costs which are part of general and administrative expenses, sales and advertising expenses, distribution costs, purchasing costs, cost of major repairs or replacement of plant or equipment, cost of expansion of plant or equipment, or general research not directly applied to current production. You may include in your labor costs, however, such items as—direct labor, factory supervision, factory service labor (including ordinary maintenance of plant or equipment), factory stores labor (including materials control), factory quality control labor (including testing or inspection), painting, packaging, and crating labor, and product engineering and development labor which is directly applied to current production.

(c) You may add to your labor cost increase adjustment a dollar amount to reflect, for the labor covered by your calculations under paragraph (a), any increase between the end of your base period and March 15, 1951, in the cost to you of insurance plans, pension contributions for current work, paid vacations and similar "fringe benefits". You may also add to your labor cost increase adjustment a dollar amount to reflect, for the labor covered by your calculations under paragraph (a), any increase between the base date and March 15, 1951, in the cost to you of required payments under the Federal Insurance Contributions Act, the Federal Unemployment Tax Act and any state or local unemployment or compensation law. You may not include in your increase in labor cost any wage increase or "fringe benefit" granted or determined after March 15, 1951, even though such wage increase or fringe benefit" is retroactive to March 15, 1951, or any prior date, and is pursuant to a contract in effect on March 15, 1951. You may make the calculations called for by this paragraph in whatever appropriate way is best adapted to your accounting records and your basis of wage payments, e. g., hourly rates, piecework, or any other system of wage payments used by you, but in no event may you reflect an increase more than once. For instance you may not consider increased cost of vacations due only to increase in wage rates.

SEC. 7. *The price increase adjustment factor.* You determine your price increase adjustment factor as follows:

(a) To the base period price of the automobile to your largest class of purchaser upon which the cost increase adjustments were calculated, add the labor and materials adjustments.

(b) Divide the result by the ceiling price of the same or counterpart model of that automobile on the date on which this regulation became effective. This is your price increase adjustment factor for that make of car. You must compute this factor to at least the fourth decimal.

SEC. 8. *The price increase adjustment factor where model now sold was not manufactured on the base date.* (a) If you cannot determine a price increase adjustment factor for any make of automobile because no automobile of that make which you are now manufacturing is the same model or a counterpart model of the automobiles you were offering for sale on the base date, you may propose a price increase adjustment factor for such automobile and file an application for the establishment of this price increase adjustment factor under this revised regulation, or continue to use your existing ceiling price. This application must be filed with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., and must contain the following information:

(1) The method by which you arrived at said price increase adjustment factor. This method must reflect the increase in cost in the bill of materials for the currently best selling automobile in that make between the base date and December 31, 1950 (except for those items listed in Appendix "A" for which you will take the cost to you on March 15, 1951), and reflect the increase in total labor costs between the base date and March 15, 1951, or would reflect such increases if the same automobile were manufactured on those dates. The materials cost and labor costs should be determined in accordance with sections 5 and 6, above.

(2) You shall submit, if you are able to make such an estimate, a comparative bill of materials and labor costs on the respective dates mentioned in (1) for a currently best selling automobile in that make. The appropriate materials and labor costs should be calculated in accordance with sections 5 and 6 of this revised regulation.

(3) A description of each line or series in the make of the automobile for which the price increase adjustment factor is proposed, the date of the first sale of the automobile in this make or line or series, and the price charged on such sale; the date of each subsequent change of price; and the present ceiling price to each class of purchaser.

(b) Upon the basis of your application to the Director for the establishment of a price increase adjustment factor, and upon all data submitted therewith, the Director will issue an order establishing an appropriate price increase adjustment factor.

SEC. 9. *Application of the price increase adjustment factor to various body styles, lines or series of the same make, and to extra equipment for that make.* (a) To determine the ceiling price for each automobile, multiply by the price increase adjustment factor applicable to that make of automobile the price in effect on the date of issuance of this regulation to each class of purchaser for each body style, line or series of that make.

(b) To determine the ceiling price of any item of extra, special or optional equipment multiply by the price increase adjustment factor applicable to the make of automobile upon which the item of such equipment is to be used the ceiling price of such item of equipment in effect on the date of issuance of this regulation to each class of purchaser.

SEC. 10. *Ceiling prices for new products.* (a) If you produce a new automobile not a counterpart of any body style, line or series produced or sold on the base date or at the time of the issuance of this revised regulation, or any item of extra equipment not produced or sold on the base date or at the time of the issuance of this revised regulation, you must apply to the Office of Price Stabilization for an order establishing a ceiling price for your product. Your application must be filed with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., and contain the following information:

(1) A description of the new automobile or item of extra, special or optional equipment for which a ceiling price is sought, with a statement justifying your classification of such item as a new item, not a counterpart, within the meaning of this regulation. If the item being priced is an automobile, this description should give details of the body styles to be produced; the engine, including the manufacturer, number of cylinders, horsepower rating, bore and stroke; wheelbase and overall length; weight; tire size; type of automatic drive, if any; a description of the body styling; any other information you feel pertinent.

(2) A detailed statement of the total unit costs of the item as of the time of the application, including your direct materials and labor costs, factory overhead, tool amortization, selling, and general and administrative expense. If any of these costs are estimated this should be indicated, with the basis for arriving at your estimate, e. g., the method by which overhead was allocated.

(3) A description of the product which you manufacture which you consider most similar to the new product and for which you have a ceiling price, a detailed statement of the total unit costs on the same basis as in (2) and the selling price to each class of purchaser as of the time the application is submitted, for the similar product.

(4) The proposed suggested retail list price or factory retail list price, discounts and net prices applicable to each class of purchaser, and all extra charges and deductions applicable to such item, such as transportation charges, delivery and handling charges, allowances for excise taxes, etc.

(b) On the basis of the information submitted the Director will establish ceiling prices for your product in line with ceiling prices established under section 4 of this regulation.

SEC. 11. *Modification of automobiles and application for changed ceiling prices.* (a) If you introduce a counterpart model, or modify an existing or currently produced model by changing the design, in minor respects, or mechanical specifications thereof after a ceiling price has been established, and the resultant automobile is not a new body style, line or series, but remains the same or a counterpart, you must apply to the Industrial Materials and Manufactured Goods Division, Washington, D. C., for a change in the ceiling price downward, if accumulated reductions in direct materials and labor costs resulting from the modification amount to more than $10.00. If accumulated changes in direct materials and labor costs resulting from the modification amount to less than $10.00, you need make no application for a new ceiling price. However, you must file a description of any new model which you introduce.

The application for a new ceiling price must contain:

(1) A description of the changes in specifications and a statement of the changes in direct materials and labor costs resulting from such changes.

(2) The proposed suggested retail price or factory retail list price and the discounts and net prices in effect to all classes of purchasers.

(3) Proposed changes in extra charges and deductions which are to be applied to the item being priced.

(b) If a new automobile is sold without standard equipment, the net price of the automobile shall be reduced by the ceiling price for such equipment as computed under this revised regulation. If you do not have a ceiling price in effect for such equipment, you will determine it by calculating the cost to you of such standard equipment on the date of the issuance of this revised regulation and multiplying that sum by a percentage representing the markup of ceiling price over total unit cost of the automobile on the date when you first sell an automobile of that make at a ceiling price computed under this revised regulation.

SEC. 12. *Reports.* (a) You shall not place into effect adjusted ceiling prices established under section 4 of this revised regulation until five days after you file with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., a statement of your price increase adjustment factor for each make and a schedule setting forth your proposed wholesale ceiling prices (f. o. b. factory) for each automobile (setting forth the items of standard equipment for that automobile) and for each item of extra, special or optional equipment, together with discounts to each class of purchaser, and all extra charges and discounts applicable to such products, such as transportation charges, delivery and handling charges, and allowances for excise taxes, etc. Your schedule shall also contain the respective ceiling prices prevailing at the time of the issuance of this regulation and the prices in effect on June 24, 1950. If you now have any price list indicating current prices for sale at retail or any factory retail price list you must also attach to your schedule computations showing the effect of adding or subtracting (as the case may be) the dollars and cents addition or reduction in the wholesale ceiling price for each line or series, body style and model of each make of automobile and for all extra, special or optional equipment established under the provisions of this revised regulation, multiplied by the percentage by which your January 25, 1951, retail price list for the same or most comparable line or series, or extra equipment for each make of automobile exceeded the wholesale ceiling prices prevailing on that date for the same line or series and the same equipment.

(b) If the Director establishes a ceiling price for any automobile or any item of extra equipment under section 10, of this regulation, or if you reduce the net price of a new automobile pursuant to section 11 (b), you shall amend the schedule filed pursuant to paragraph (a), above, and set forth the ceiling prices established for such automobiles or items of extra equipment, together with all discounts applicable to each class of purchaser and all extra charges and deductions applicable to such items, such as transportation charges, delivery and handling charges, allowances for excise taxes, etc.

SEC. 13. *Adjustable pricing.* Nothing in this regulation shall be construed to prohibit your making a contract or offer to sell an automobile, or an item of extra, special or optional equipment at (a) the ceiling price in effect at the time of delivery or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver a commodity at a price to be adjusted upward in accordance with any increase in a ceiling price after delivery.

SEC. 14. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revised (16 F. R. 4974).

SEC. 15. *Records and invoices.* (a) The provisions of section 7 of Ceiling Price Regulation 1, dated December 18, 1950, are hereby continued in effect in so far as they apply to the preparation and preservation of such "current records" as you were required to make as a result of sales between December 18, 1950, and the effective date of this revised regulation.

(b) You shall prepare and preserve for inspection by the Director of Price Stabilization for the life of the Defense Production Act of 1950 as amended and for two years thereafter all records necessary to determine whether you have computed your ceiling prices correctly, including (but not limited to) records showing base period prices and such material and labor cost records that have been used to compute ceiling prices.

The records to be preserved under this paragraph must include appropriate work sheets. The work sheets to be preserved must include all data and calculations required to determine your ceiling prices.

(c) You shall make and preserve for a period of two years complete and current records of sales of commodities subject to this revised regulation, showing the date of each sale, the name of the purchaser, the items sold, and the price charged, including all extra charges.

(d) You shall furnish to each person to whom you sell a new automobile an invoice stating separately from any other charge, the ceiling price charged for the automobile under this revised regulation. You shall list separately the charge for any extra, special or optional equipment. You shall also itemize all advertising, transportation, handling and delivery, or other charges.

SEC. 16. *Prohibition against sale or delivery at prices above ceiling.* (a) You shall not sell any automobile or item of extra equipment subject to this regulation at a price above your ceiling price in effect immediately prior to the issuance of this regulation, until you have complied with the provisions of section 12 of this revised regulation, including the waiting period, nor shall you thereafter sell above your ceiling prices reported under section 12 of this revised regulation.

(b) No person shall buy from you in the regular course of business or trade, any automobile or item of extra, special or optional equipment at a price above your ceiling price as determined under this regulation.

(c) It shall be a violation for a manufacturer in any manner to require any purchaser of a new automobile as a condition of sale or delivery to purchase any equipment for the same or counterpart of make or model which was not standard for such make or model at the time the ceiling price was established.

SEC. 17. *Prices less than ceiling.* Lower prices than those established under this regulation or prevailing at the time this regulation is issued may be charged, demanded, paid or offered.

SEC. 18. *Evasion.* The price limitations set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, lease of, or relating to commodities or services covered by this regulation, alone or in conjunction with any other commodity or service, or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

SEC. 19. *Violation*—(a) *Civil and criminal action.* Persons violating any provisions of this revised regulation are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Defense Production Act of 1950 as amended.

(b) *Record-keeping and filing violations.* If any person subject to this revised regulation fails to keep the records or file the reports required by this revised regulation, or if any person subject to this revised regulation fails to establish a ceiling price, or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required

to do so, the Director may issue an order fixing ceiling prices for the new automobiles or extra equipment such person sells. Any ceiling price fixed in this manner will be in line with ceiling prices otherwise established by this regulation. The order fixing the ceiling price may apply to all deliveries, transfers or sales for which a ceiling price was not established in accordance with the provisions of this regulation, including deliveries, transfers or sales completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 20. *Definitions.* (a) Automobile: (1) As used in this revised regulation, automobile always means new passenger automobile.

(2) A passenger automobile is an automobile designed primarily for the carriage of passengers, whether intended for private, commercial or other use, including its standard equipment, manufactured in the United States, having a seating capacity of less than 11 persons, and propelled by an internal combustion engine.

(3) "New automobile" is an automobile that is new as to use regardless of when it was manufactured. This term is used in this revised regulation interchangeably with the term "new passenger automobile."

(4) "Make" of an automobile indicates the manufacturer thereof, and bears the manufacturer's trade or brand name. A manufacturer may produce more than one "make," in which case different trade names are used to differentiate the several makes.

(5) "Line or series" refers to a subgroup of a make bearing a title, trade name, or other classificatory designation.

(6) "Body style" means one of the various body types in a line or series of each make of automobile.

(7) "Model" refers to the year in which the automobile was produced or its year designation.

(8) "Counterpart model" or "counterpart" means a replacement of a body style or line or series in a make of automobile by the manufacturer, not deviating substantially from the specifications of the previous model of the automobile. It also refers to a replacement of an item of extra, special or optional equipment not deviating substantially from the specifications of the previous model of the item.

(b) "Base period and base period price": These terms are defined in section 2 of this revised regulation.

(c) "Class of purchaser" or "purchaser of the same class": This term refers to the practice adopted by the seller in setting different prices for sales to different purchasers or kinds of purchasers (for example wholesaler, dealer, exporter, Government agency, fleet owner) or for purchasers located in different areas or for purchasers of different quantities or grades or under different terms or conditions of sale or delivery.

(d) "Director of Price Stabilization": This term also applies to any official (including officials of Regional or District offices) to whom the Director of Price Stabilization by order delegates a function, power or authority referred to in this regulation.

(e) "Extra, special or optional equipment": This term refers to any equipment which the manufacturer did not class as standard on the date of the issuance of this regulation.

(f) "Largest buying class of purchaser": This term refers to the "class of purchaser" of a commodity which bought from you the largest dollar amount of that commodity during the three months preceding the base period. It does not, however, include the United States or any agency thereof, any foreign purchaser, or any person to whom the only sales made during your base period were made under a written contract of at least 6 months' duration entered into prior to the base period, unless the United States or any agency thereof, any foreign purchaser or such contract purchaser was your only class of purchaser.

(g) "Manufacturer": This term refers to any person who produces any automobile.

(h) "Net cost": This term refers to the cost or price to you of a manufacturing material, less any discount (other than a customary cash discount) or allowance you took or could have taken. It does not include separately stated charges such as freight, taxes, etc.

(i) "Net sales": This term refers to gross sales after trade discounts, less returns and allowances. In the case of sales where the selling price is a delivered price, transportation charges should not be deducted.

(j) "OPS": This means the Office of Price Stabilization.

(k) "Person": This term includes any individual, corporation, partnership, association or any other organized group of persons, or legal successors or representatives of the foregoing, and the United States or any other Government or their political subdivisions or agencies.

(l) "Records": This term means books or accounts, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

(m) "Standard equipment": This term refers to any equipment which the manufacturer classed as standard on the date of the issuance of this regulation.

(n) "You": "You" means the person subject to this regulation. "Your" and "yours" are construed accordingly.

Effective date. This revised regulation shall become effective September 7, 1951.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 7, 1951.

APPENDIX A

With respect to the following materials, the change in net cost may be calculated up to March 15, 1951.

(a) Stumpage, logs, pulpwood, and other raw forest products.

(b) Gas, electricity, and steam.

(c) All scrap and waste materials.

(d) The following textile mill products.

(1) All wood fibers which have been processed beyond the scouring stage.

(2) Wool yarn and fabrics as defined in Ceiling Price Regulation 18, together with all other yarns and fabrics containing 25% or more wool by weight, however manufactured.

(e) The following lumber and wood products:

(1) Lumber, plywood, veneers, shooks, millwork, wood containers, wood excelsior, wood excelsior pads, ties, posts, poles, piling, shuttle blocks, picker stick blanks, wagon and implement woodstock and wood parts, such as double trees, wagon tongues, neck yokes and wagon spokes.

(2) Other allied wood products including "turned wood products" (meaning any soft wood or hardwood lumber products which have been turned on a cutting machine or passed through a dowel machine) or "shaped wood product" (meaning any soft wood or hardwood lumber products which have been shaped on a pattern or cutting machine).

(3) Wooden products which are completed and ready for ultimate farm use are not included unless they are specifically covered by subparagraphs (1) or (2) of this paragraph. A product is considered "completed and ready for ultimate farm use" within the meaning of this paragraph, even though it must still be painted, lacquered, varnished or upholstered, or subjected to further processing not affecting basic utility, but necessary for consumer acceptance or purchase.

(f) The following chemicals and allied products:

(1) Crude and synthetic rubber.

(2) Synthetic textile fibers and yarns.

(3) Fermentation ethyl alcohol, acetone, and butyl alcohol.

(4) Synthetic butyl alcohol made from fermentation ethyl alcohol.

(5) Natural and synthetic glycerin.

(6) Fatty acids which occur in vegetable and animal oils in the form of glyceride esters, such as stearic, palmitic, oleic and lauric acids.

(7) Paints, varnishes, and lacquers.

(8) Naval stores.

(9) All natural gums and resins.

(10) All vegetable waxes.

(11) All natural dyeing materials.

(12) All essential or distilled oil.

(13) Fats and oils for which ceiling prices are provided in Ceiling Price Regulation 6.

(14) The following oilseeds or nuts, their oils and fatty acids or combinations of these oils so long as in normal trade practice they retain their identity:

Babassu kernels.
Babassu oil.
Cacao butter.
Cashew nut shell liquid.
Castor beans.
Castor oil.
Cocoanut oil.
Cohune kernels.
Cohune oil.
Copra.
Coquito kernels.
Coquito oil.
Corozo kernels.
Corozo oil.
Hempseed.
Hempseed oil.
Kapok seed.
Kapok seed oil.
Muru-muru kernels.
Muru-muru oil.
Oiticica oil.
Olive oil, edible, sulphur and other inedible.
Ouricury kernels.
Ouricury oil.
Palm kernel oil.
Palm kernels.
Palm oil.
Perilla seeds.
Perilla seed oil.
Poppyseed.
Poppyseed oil.
Rapeseed.
Rapeseed oil.
Rubberseed.
Rubberseed oil.
Sesame oil.
Sesame seed.
Sunflower seed.
Sunflower seed oil.
Tucum kernels.
Tucum oil.
Tung oil.

(15) Whale oil.

(16) Sperm oil.

(17) Fish oils, including cod oil and shark oil.
(18) Peanut oil.
(19) Rice bran oil.
(20) Oleo stock, oil and stearine.
(21) Inedible tallows, greases and fatbearing and oil-bearing animal waste materials as defined in Ceiling Price Regulation 6, Amendment 2.
(22) Wool grease.
(23) Glue stock.
(24) Casein.
(25) Cotton linters.

(g) Crude petroleum and petroleum fuels and lubricants, including petroleum coke when used as fuel, and natural gas.

(h) Coke, coal chemicals, coke oven gas, as defined in General Ceiling Price Regulation, Supplementary Regulation 13.

(i) Bituminous coal, anthracite coal, coal briquettes, charcoal, and fuel processed from anthracite or bituminous coal.

(j) Cattle hide, kips, and calfskins, as defined in Ceiling Price Regulation 2.

(k) Hogskins, woolskins, sheep and lamb shearlings, pickled lambskins, pickled sheepskins, horsehides, deerskins, alligator skins, and snakeskins.

(l) Leather, tanned and finished.

(m) The following specified building materials:

(1) Cement, including standard Portland Cement; Special Portland Cement, such as high early strength masonry or mortar, low and moderate heat, oil well, sulphate-resisting, white Portland; or any other cement generally classified as Special Portland Cement; alumina cement, natural cement, puzzolan (slaglime) cement; and masonry cement of the natural cement class; but excluding hydraulic lime.
(2) Ready mixed Portland cement concrete.
(3) Calcined gypsum plasters, not including finished products produced therefrom.
(4) Lime (construction, metallurgical, chemical, agricultural, refractory).
(5) Sand, gravel, crushed stone and slag, both aggregates and industrial.
(6) Light weight aggregates.
(7) Asphaltic concrete and bituminous paving mixes.
(8) Roofing granules, natural and artificial.

(n) Primary metals, metallic alloys, metallic oxides, and metallic by-products.
(o) All secondary metals and scrap.
(p) All metal powders.
(q) All metallic ores.

(r) (1) All non-metallic minerals which are obtained from their natural state solely by mechanical means such as grinding, washing, leaching, classification, flotation, evaporation, dehydration and the like. This term does not include commodities which are obtained by refining or purification processes involving recrystallization or chemical methods including carbonation, ionic interchange and similar methods.

(2) The exceptions provided in subparagraph (1) of this paragraph do not apply to the following dimension and building stone: Basalt and related stones; granite; building, ornamental and monumental; greenstone; interior, or exterior building, structural, ornamental, and monumental; limestone: building, ornamental, and monumental; marble: slabs-building, structural, and decorative; and ornamental and monumental marble; sandstone: building, structural, ornamental, floor and flagging (including bluestone and brownstone); slate: structural, electrical, roofing, floor, and flagging.

(s) All cast, rolled, drawn, or extruded metals and alloys which have not been further fabricated, except cast iron soil pipe and fittings, cast iron water and gas pipe and fittings, and valve and pipe fittings.

(t) Fabricated structural steel and steel plate and fabricated reinforcing bars, except metal lath and metal lath accessories (including cold rolled channels).

(u) Wood pulp, paper, paperboard, and converted paper and paperboard products.

(v) All imported materials, when purchased from a foreign supplier, or from a seller in the United States in substantially the same form as that in which imported (except for services normally performed by importers such as sorting or packaging), or after simple processing operations only, such as wool scouring.

(w) All jute products containing more than 50 percent by weight of jute.

(x) All industrial services.

(y) Merchant clays, as listed and described in the Bureau of Mines, U. S. Department of the Interior, current "Minerals Yearbook."

(z) The following iron and steel products: Wire rope and strand; wire (barbed and twisted); wire fence (woven or welded); wire netting; nails (cut and wire); staples; wire bale ties; fence posts; steel screen wire cloth, welded wire concrete reinforcing mesh; hoops; bailing bands, and cotton ties; formed roofing and siding; valley, ridge roll, and flashing; welded pipe and tubing; rails and track accessories.

(aa) Glass containers and closures for glass containers except rubber closures and novelty closures not used by commercial bottlers or packers.

[F. R. Doc. 51-10952; Filed, Sept. 7, 1951; 4:00 p. m.]

[Ceiling Price Regulation 30, Amdt. 13]

CPR 30—Machinery and Related Manufactured Goods

Exclusion of Sintered Tungsten Carbide Products

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 13 to Ceiling Price Regulation 30 is hereby issued.

Statement of Considerations

This amendment excludes cutting tool tips of pressed or formed sintered tungsten carbide not processed beyond final sintering and of stellite from the coverage of Ceiling Price Regulation 30. This action is taken because ceiling prices are established for these products by Ceiling Price Regulation 71—Manufacturers of Sintered Tungsten Carbide Products and Mixed Powders, issued simultaneously herewith.

In formulating this amendment, the Director consulted with industry representatives to the extent practicable and has given full consideration to their recommendations.

Amendatory Provisions

Appendix A of Ceiling Price Regulation 30 is amended as follows:

The item "Tips: tool, tungsten carbide, stellite, etc." appearing under the heading "Cutting tools," is amended to read as follows:

Tips: tool (except pressed or formed sintered tungsten carbide not processed beyond final sintering, and stellite).

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment will become effective September 10, 1951.

Michael V. DiSalle,
Director of Price Stabilization.

September 7, 1951.

[F. R. Doc. 51-10945; Filed, Sept. 7, 1951; 11:11 a. m.]

[Ceiling Price Regulation 34, Supplementary Regulation 4]

CPR 34—Services

SR 4—Wholesale Dry Cleaning, Finishing and Dyeing in Certain Counties of New Jersey

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 4 to Ceiling Price Regulation 34 is hereby issued.

Statement of Considerations

This Supplementary Regulation 4 to Ceiling Price Regulation 34 establishes dollars and cents prices for wholesale dry cleaning, finishing and dyeing services in the following counties of the State of New Jersey: Essex, Hudson, Passaic, Bergen, Union and Morris. The services supplied by the wholesalers of dry cleaning, finishing and dyeing services in these counties of New Jersey have been provided at substantially uniform prices for many years antedating the issuance of Ceiling Price Regulation 34. A wage increase in 1950 and 1951 and sharply increased costs in the latter part of 1950 have brought the average earnings of the industry in this area close to the break-even point. On June 6, 1951 a wage increase of ten percent was granted by the industry. This increase was made retroactive to April 15, 1951 and will probably result in the reduction of the industry's average earnings to a loss position and thus jeopardize the continued supply of the service.

The existence of uniform prices, standardized service and similar earnings experience facilitate the establishment of dollars and cents prices. In the judgment of the Director of Price Stabilization the prices established in this supplementary regulation are at the minimum levels which will permit the continued supply of the service. The industry, including representatives of trade associations, has been consulted in the preparation of this supplementary regulation, and consideration has been given to its recommendations. In the judgment of the Director of Price Stabilization the prices established by this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

Regulatory Provisions

Sec.
1. Purpose.
2. Relationship to CPR 34.
3. Ceiling prices.
4. Definitions.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *Purpose.* The purpose of this supplementary regulation is to establish dollars and cents ceiling prices for wholesale dry cleaning, finishing and dyeing services in the counties of Essex, Hudson, Passaic, Bergen, Union and Morris, State of New Jersey.

SEC. 2. *Relationship to CPR 34.* All provisions of Ceiling Price Regulation 34, as amended, except as changed by the pricing provisions of this supplementary regulation shall remain in full force and effect.

SEC. 3. *Ceiling prices.* (a) The ceiling prices which may be charged by wholesale cleaning, finishing and dyeing services in the counties of Essex, Hudson, Passaic, Bergen, Union and Morris, State of New Jersey, shall be as follows:

	Cleaned only	Cleaned and finished
MEN'S		
Suits	$0.28	$0.55
Coats	.15	.30
Pants	.15	.30
Flannel pants	.20	.40
Linen pants	.20	.40
Slacks	.15	.30
Sweaters	.15	.30
Sport shirts	.15	.30
White suits	.35	.70
Linen suits	.35	.70
Top coats	.33	.55
Overcoats	.33	.55
Raincoats	.38	.80
Reversible coats	.38	.90
Bathrobes	.28	.55
Suede jackets	.55	1.35
Sport jackets	.25	.45
CHILDREN'S		
Suits	.25	.45
Dresses	.25	.45
Coats	.30	.50
Skirts	.13	.25
Jackets	.13	.25
Sweaters	.10	.20
Boys' coats	.13	.25
Boys' pants	.13	.25
Bathrobes	.25	.45
Suede jackets	.40	1.10
HOUSEHOLD		
Furniture covers (in sets of 8 or more)	.20	.40
Spreads (plain)	.40	.75
Spreads (silk and taffeta)	.60	1.25
Curtains	.40	.75
Blankets (single)	.35	----------
Blankets (double)	.60	----------
Quilts (cotton)	.90	----------
Quilts (silk)	.90	1.25
LADIES'		
Suits	.28	.55
Skirts (plain)	.15	.30
Skirts (pleated—up to 20 pleats)	.15	.50
Jackets (plain)	.15	.30
White suits	.40	.70
Waists (plain)	.15	.35
Waists (pleated-up to 20 pleats)	.15	.50
Coats	.33	.55
Coats (white)	.40	.75
Coats (reversible)	.38	.90
Suits (linen)	.35	.70
Sweaters	.15	.30
Dresses (plain—up to 4 pleats)	.28	.55
Dresses (pleated—up to 20 pleats)	.28	.85
Dresses (velvet)	.28	.85
Dresses (sunburst pleated)	.28	1.25
Evening gowns	.40	2.25
Evening gowns (with train or pleated)	1.25	4.00
Bathrobes	.28	.55
Suede jackets	.55	1.35
Negligees	.35	.70
Dyeing:		
Rough		$1.50
Finished		2.25

SEC. 4. *Definitions.* (a) As used in this supplementary regulation to Ceiling Price Regulation 34:

(1) The term "wholesaler" means any supplier who owns, operates, or controls plant facilities for dry cleaning, finishing and dyeing garments and does not sell at retail.

(2) The terms "cleaning", "finishing" and "dyeing" include:

(i) "Cleaning" which means the dry cleaning of a garment or item, including the spotting thereof;

(ii) "Finishing" which means the pressing of a garment or item;

(iii) "Dyeing" which means the use of any process to change the basic color of a garment or item.

Effective date. This order shall become effective September 12, 1951.

MICHAEL V. DISALLE,
Director,
Office of Price Stabilization.

SEPTEMBER 7, 1951.

[F. R. Doc. 51–10946; Filed, Sept. 7, 1951; 11:11 a. m.]

[Ceiling Price Regulation 70]

CPR 70—RENTAL OF CERTAIN TYPES OF COMMERCIAL MOTOR VEHICLES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 70 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes ceiling rates for the lease or rental of passenger automobiles, taxicabs, busses (other than school busses), trucks, truck tractors, commercial trailers, and semitrailers, or any combination thereof.

The ceiling rates for the lease or rental of commercial motor vehicles were heretofore determined under the General Ceiling Price Regulation or Ceiling Price Regulation 34. To the extent of its applicability this regulation supersedes the General Ceiling Price Regulation and Ceiling Price Regulation 34. The fundamental provisions of the regulations mentioned relating to the determination of ceiling rates have been retained. The general considerations which support these regulations are equally applicable to this regulation. The method of determining ceiling rates at the highest rates charged during the "base period," December 19, 1950, to January 25, 1951, inclusive, is incorporated, but that section of the General Ceiling Price Regulation which provides for determining ceiling rates by reference to the charges of a closest competitor has been eliminated. It appears that this method of establishing rates is impracticable and unsatisfactory as applied to the leasing or rental of commercial motor vehicles. A substitute provision has been provided whereby a lessor may compute and report the proposed ceiling rates on the basis of costs, such rates being subject to review and approval by the Office of Price Stabilization prior to becoming effective.

Because of the large number of short-term leases of commercial motor vehicles, the provisions of Ceiling Price Regulation 34 permitting adjustment by buyer-seller agreements are not suited to the truck and passenger-car rental industry. Accordingly, the provisions contained in Ceiling Price Regulation 34 relating to adjustments under buyer-seller agreements, are excluded from this regulation.

The adjustment provisions of this regulation provide a means whereby necessary rate adjustments for lessors of commercial motor vehicles affected by this regulation may be made upon a showing that existing ceiling rates result in substantial financial hardship; or that the adjustment requested is necessary to permit the continuance of an essential service; and that the requested adjustment will not result in a higher ratio of net operating revenue to total operating revenue than during the base period.

Motor vehicle rental agreements which include the furnishing of drivers are not covered by this regulation since such arrangements have generally been construed to be transportation services rather than equipment rentals services. Provision is made in this regulation, however, to extend the applicability of this regulation to include leases or rentals of "commercial motor vehicles" with drivers, under special circumstances. Authorization to establish ceiling rates covering such services may be granted by the appropriate District Office of the Office of Price Stabilization upon a showing that a rental service with driver should be properly regarded as a rental service rather than as a transportation service.

This regulation provides for the exemption from price control of services afforded under "rental-purchase option agreements" having a term of not less than one year which contain an option in favor of the lessee to purchase the vehicle so rented at any time during the term of the lease at a price which is based upon the original cost to the lessor of the vehicle, when new, not in excess of the OPS ceiling price, less a credit to the lessee of a portion of the rental payments paid to the lessor by the lessee totaling a sum which, in the case of the purchase of trucks, tractors, trailers, semi-trailers, and busses, other than school busses, will not be less than the depreciation accruing on the vehicle during the period that the lease is in effect computed at 1 percent per each 30-day period of the original cost price of the vehicle to the lessor and, in the case of the purchase of passenger automobiles and taxicabs, will not be less than the depreciation accruing on the vehicle during the period that the lease is in effect computed at 2 percent per each 30-day period of the original cost price to the lessor for such vehicle. The limitations upon the exemptions made herein are such that adequate safeguards are provided against the transfer of motor vehicle equipment at exorbitant and inflationary prices.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Services covered.
3. Relation to other regulations.
4. Service furnished during the "base period".
5. Service not furnished during the "base period".
6. Seasonal variations in rates and seasonal services.
7. Exemption of certain rental-purchase option agreements.
8. Multiple establishments and transfer of business.
9. Customary auxiliary services.
10. Taxes.
11. Rate base.
12. Adjustment of ceiling rates, and effectiveness of adjustments.
13. Where and how to apply for adjustment.
14. Record keeping requirements.
15. Compliance provisions.
16. Amendments.
17. Geographical applicability.
18. Definitions.

AUTHORITY: Sections 1 to 18 issued under Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation removes the leasing or rental of "commercial motor vehicles" from the General Ceiling Price Regulation and Ceiling Price Regulation 34 and puts them under this regulation. Generally this regulation establishes the ceiling prices for the rental of "commercial motor vehicles" at the levels prevailing during the base period December 19, 1950, to January 25, 1951, inclusive.

SEC. 2. *Services covered*—(a) *General applicability.* This regulation covers all leases and rentals, without drivers (except as hereinafter provided), of "commercial motor vehicles" as defined in section 18 (a) of this regulation. It includes rentals known as bare truck rentals, as well as other types, in connection with which the lessor agrees to furnish some or all of the operating and maintenance service.

(b) *Special applicability.* Applicability of this regulation may be extended to include leases or rentals of "commercial motor vehicles" with drivers, only by authorization from the appropriate District Director of the Office of Price Stabilization. The lessor shall file a written request for such authorization with the appropriate district office of the Office of Price Stabilization showing that the furnishing of the driver is:

(1) A transaction severable from the rental of the "commercial motor vehicle," and

(2) Performed for the accommodation of the lessee, and that the lessee has entered into an employer-employee relationship with the driver and has assumed full responsibility for the operation of the vehicle, and

(3) Performed by the lessor at no separate profit to himself.

The respective District Directors are hereby delegated authority to act upon and to handle to final conclusion all requests filed pursuant to the provisions of this regulation.

(c) *Exclusions.* This regulation does not apply to the following specified services, but such services, other than common carrier and public utility services, will nevertheless continue to be subject to such regulations of the Office of Price Stabilization as may otherwise be applicable:

(1) Lease or rental of "commercial motor vehicles" to or by a United States government agency.

(2) Any service of a common carrier or public utility.

(3) Lease or rental of "commercial motor vehicles" between carriers.

(4) Lease or rental of dump trucks used on construction or road maintenance projects.

(5) Lease or rental of ambulances, hearses, school busses, and funeral cars.

SEC. 3. *Relation to other regulations.* This regulation supersedes the General Ceiling Price Regulation and Ceiling Price Regulation 34 with respect to all services covered by this regulation.

SEC. 4. *Service furnished during the "base period".* Except as provided in section 6 of this regulation, for seasonal services, the ceiling rate for the rental or lease of any "commercial motor vehicle" is the highest rate charged by the lessor for the "same or similar service" during the "base period", December 19, 1950, to January 25, 1951, inclusive.

SEC. 5. *Service not furnished during the "base period."* (a) If the service was not actually furnished during the "base period" and is not a seasonal service to which section 6 of this regulation applies, the ceiling rate is the highest rate at which the lessor offered, in writing, to provide it during the "base period".

(b) If the service was neither furnished or offered in writing during the "base period", nor a seasonal service covered by section 6 of this regulation, and the ceiling rate has since been established under appropriate provisions of the General Ceiling Price Regulation or Ceiling Price Regulation 34, the ceiling rate for such service is the ceiling rate thus established.

(c) If the service was not furnished, or offered in writing, during the "base period", and if the ceiling rate has not been otherwise established since that time, the lessor shall determine his proposed ceiling rate in accordance with the following method. A report shall be submitted to the appropriate district office of the Office of Price Stabilization, which report shall set forth in detail:

(1) A description of the "commercial motor vehicle" to be furnished,

(2) The proposed ceiling rate,

(3) A detailed break-down of the estimated fixed and variable expenses,

(4) The rate charged for the most comparable service,

(5) The pricing formula normally used by the lessor in establishing his rates, and

(6) Any other information which the lessor deems pertinent to justify the proposed ceiling rate.

The respective District Directors are hereby delegated authority to act upon and to handle to final conclusion all reports filed pursuant to the provisions of this section. Thirty days after the report has been received by the appropriate district office of the Office of Price Stabilization, or 30 days after the receipt of such additional information as may be requested, the lessor may charge the proposed ceiling rate unless advised by the Office of Price Stabilization that the proposed rate has been disapproved or modified.

The service may be furnished during the period pending consideration of the ceiling rate and the rate proposed may be charged for on open billing. However, no charge may be collected until the rate has been approved or until the 30-day period has expired without adverse action by the Office of Price Stabilization.

SEC. 6. *Seasonal variations in rates and seasonal services*—(a) *Commercial motor vehicle rentals supplied in the "base period" but subject to seasonal variations in rates.* If the lessor has had a regularly established seasonal variation in rates and leased or rented "commercial motor vehicles" during the "base period", the ceiling rates for other seasonal periods shall reflect the customary dollar differential between that season and the "base period". However, the provisions of this paragraph apply only if the season during which the variation in rates was in effect regularly consisted of at least 60 consecutive days.

(b) *Seasonal services not supplied during the "base period".* If the lessor supplied a seasonal service during the calendar year 1950 but did not supply that service during the "base period", the ceiling rate for such service shall be the highest rate charged in the comparable season of 1950.

SEC. 7. *Exemption of certain rental-purchase option agreements.* Services offered under a rental-purchase option agreement having a term of not less than 1 year and granting to the lessee an option, which may be exercised at any time during the period of the lease, to purchase the vehicle or vehicles leased under the agreement are hereby specifically exempted from price control provided the purchase price specified in the option does not exceed the original cost to the lessor of the vehicle or vehicles, when new (which cost does not exceed the Office of Price Stabilization ceiling price or prices) less a deduction therefrom of a sum which (a) in the case of the purchase of trucks, tractors, trailers, semi-trailers, and busses, other than school busses, is not less than the sum of 1 percent of the original cost of each vehicle to the lessor per 30-day period during the entire period from the date of execution of the lease until the date that the purchase option is exercised; or (b) in the case of the purchase of passenger automobiles and taxicabs, is not less than the sum of 2 percent of the original cost of each vehicle to the lessor per 30-day period during the entire period from the date of execution of the lease until the date that the purchase option is exercised.

SEC. 8. *Multiple establishments and transfer of business*—(a) *Multiple establishments.* Each "establishment" operated by a lessor shall be treated

separately for the purpose of computing ceiling rates under this regulation.

(b) *Transfer of business.* If a person purchases, leases, or otherwise acquires the business, assets, or equipment of a "commercial motor vehicle" lessor, and the purchaser continues in the rental of "commercial motor vehicles" from an "establishment" thus acquired, the ceiling rates for services furnished from any such "establishment" shall be the same as those of the predecessor.

SEC. 9. *Customary auxiliary services.* (a) The lessor shall provide the same auxiliary maintenance and operating services and supplies customarily furnished in the "base period" for the "same or similar service." If, in the "base period," for example, the lessor provided all maintenance, garaging, gasoline, and the like, he may not eliminate any part of those auxiliary services, such as discontinuing the furnishing of gasoline or other items previously furnished. If he wishes to reduce any such service, he must apply for a new rate for a new service as provided under section 5 (c) of this regulation. In his application he must show the reason for and the amount of his proposed reduction in service and there must be a reduction in the rate charged concurrent with any reduction in service.

(b) Upon written request supported by a satisfactory explanation, the appropriate District Director of the Office of Price Stabilization may approve a reduction in service where it appears that (1) the reduction in service is caused by conditions beyond the control of the lessor, and (2) such reduction in service does not accrue as a savings to the lessor. However, a lessor, who during the "base period" required a minimum period of rental or mileage or collected a service charge, may continue the same practice or charge.

SEC. 10. *Taxes.* Any direct tax upon the rental of "commercial motor vehicles" covered by this regulation, imposed by any statute of the United States or statute, regulation, or ordinance of any State or subdivision thereof, may be collected by the lessor in addition to the ceiling price established under this regulation, unless such statute, regulation, or ordinance prohibits the lessor from collecting such tax, and unless such tax if imposed, was absorbed by the lessor during the "base period".

SEC. 11. *Rate base.* The charges for the rental of any "commercial motor vehicle" shall be computed upon the "rate base", as defined in section 18 (d) of this regulation, most favorable to the lessee.

SEC. 12. *Adjustment of ceiling rates and effectiveness of adjustments.* (a) A lessor of "commercial motor vehicles" subject to this regulation may, by individual application filed with the appropriate District Director of the Office of Price Stabilization, request adjustment of any of his ceiling rates based upon a showing of: (1) Substantial financial hardship; or (2) that the adjustment requested is necessary to permit the continuance of an essential service for which there is no adequate substitute available at a rate equal to or less than the maximum rate requested; and (3) that the rate adjustment requested will not result in a higher ratio of net operating revenue to total operating revenue than in the comparable six-month period prior to June 30, 1950. Thirty days after the application has been received by the Office of Price Stabilization district office, or 30 days after receipt of such additional information as may be requested, the lessor may charge the increased rate unless advised by the Office of Price Stabilization that the application has been denied in whole or in part. The application for rate adjustment may at any time be denied, in whole or in part, and any rate adjustment made hereunder may be revoked in any case where it appears to be inconsistent with the purposes of the Defense Production Act of 1950 as amended.

The respective District Directors are hereby delegated authority to act upon and to handle to final conclusion all applications for rate adjustment filed under the provisions of this section.

(b) *Effectiveness of adjustments.* Any increased rate requested under this regulation may be charged on open billing pending consideration of the application. Collection of any amount in excess of ceiling rates under this Section may not be made until an order has been issued (and then only to the extent permitted thereby), or until written notice of approval by the Office of Price Stabilization has been received, or until the appropriate 30-day waiting period has expired. After such period, a lessor may collect the full adjusted amount retroactive to the date on which the application was filed or to the date on which he entered into any adjustable pricing contract under section 2 (a) of Supplementary Regulation 15 to the General Ceiling Price Regulation, as amended by Amendment 3.

SEC. 13. *Where and how to apply for adjustment.* Applications for individual relief under section 12 of this regulation shall be made by properly executing O. P. S. Public Form No. 85. Copies of this form may be obtained from the Office of Price Stabilization, Washington 25, D. C., or any regional or district office thereof. All such applications shall be filed in duplicate, and shall be sent to the appropriate district office of the Office of Price Stabilization. Applications, if mailed, should be sent by registered mail, return receipt requested. The date on the return receipt will indicate the effective date of filing. If the application is delivered in person to the district office, receipt as to the date of filing should be obtained from the docket clerk of such office.

SEC. 14. *Record keeping requirements.* Those engaged in the lease or rental of "commercial motor vehicles" and covered by this regulation shall preserve, for examination by the Office of Price Stabilization, for a period of two years, a record of all rentals or leases subject to this regulation, including as to each transaction the names and addresses of lessees, description of "commercial motor vehicle" rental charges, revenues actually received, and, where applicable, mileage involved.

SEC. 15. *Compliance provisions*—(a) *Prohibitions.* You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. You shall not, irrespective of any contract or other obligation, sell, and no person shall buy from you, in the regular course of trade or business, at a price higher than the ceiling prices established by this regulation, and you shall keep, make and preserve true and accurate records and reports, required by this regulation.

(b) *Evasion.* No person shall evade this regulation directly or indirectly, whether by payment of charges for commissions or extra services, by decreasing the service, by tie-in agreements or other trade understandings (including but not limited to a requirement by a lessor that a lessee execute a purchase option agreement in connection with a leasing agreement, or an understanding between a lessor and a lessee that the latter will not exercise an option to purchase a vehicle from the former), or by refusing to rent the "commercial motor vehicle" to the lessee for the period for which it is requested in order that a higher "rate base" may be used in computing the charge; or in any other way.

If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and action for damages.

SEC. 16. *Amendments.* Any person who seeks an amendment of any provision of this regulation may file a petition for amendment in accordance with Price Procedural Regulation 1, Revised.

SEC. 17. *Geographical applicability.* This regulation applies to the rental or lease of "commercial motor vehicles" in the 48 States and the District of Columbia.

SEC. 18. *Definitions.* The terms used in this regulation shall be construed in the following manner, unless the context clearly otherwise requires:

(a) "Commercial motor vehicle" means any passenger automobile, taxicab, bus (other than a school bus), truck, truck tractor, commercial trailer or semi-trailer, or any combination thereof, propelled or drawn by mechanical power and used for the purpose of transporting persons or property.

(b) "Establishment" means any separate location from which a lessor engages in the rental of "commercial motor vehicles."

(c) "Operating ratio" means a percentage relationship of the cost of supplying a rental service to the revenue derived from such rental service.

(d) "Rate base" means the mileage or time or combination mileage-time charge established for the rental of a commercial motor vehicle.

(e) "Same or similar service" means the rental or lease of the same or substantially the same type of vehicle, equipment, and service on the same rate base.

Effective date. This regulation shall become effective September 12, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 7, 1951.

[F. R. Doc. 51-10947; Filed, Sept. 7, 1951; 11:11 a. m.]

[Ceiling Price Regulation 71]

CPR 71—MANUFACTURERS OF SINTERED TUNGSTEN CARBIDE PRODUCTS AND MIXED POWDERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 71 is issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes ceiling prices for all sales by manufacturers, except export sales and sales for export, of sintered tungsten carbide products and mixed powders.

The sintered tungsten carbide products covered by this regulation have varied and widespread applications essential to the civilian economy and the defense program. They are basic industrial materials used in the manufacture of many types of wear-resistant parts, machine tools, drilling equipment, and tools and dies used in the cutting, forming and shaping of metals. In many applications they have replaced high speed tool steel because of their longer life and faster-cutting qualities. The mixed powders covered by this regulation are the principal raw materials used in the manufacture of sintered tungsten carbides.

Production of sintered tungsten carbide products is so directly related to military needs that plant capacity increased during World War II to a point greatly in excess of the normal peacetime market demands. After the war sales and prices sharply declined and industry operations were at a relatively low level from the end of the war through the first half of 1950. Since the outbreak of hostilities in Korea maximum production has once more become essential to meet defense requirements, and must be encouraged to the fullest extent possible consistent with the objectives of Title IV of the Defense Production Act of 1950, as amended.

During the pre-Korea period there was considerable uniformity in products and prices among the relatively small number of manufacturers of sintered tungsten carbide products. A large number of industry standard blanks of sintered tungsten carbide had been developed which were generally priced on a more or less uniform basis. Non-standard products were similarly priced with varying extras applied by each producer for grade analysis, dimensions, shape, tolerance and hazard factors. The cost of tungsten-bearing raw materials generally accounted for approximately 25 percent of the selling price of the products and approximately 50 percent of the selling price of the mixed powders used in their manufacture. Substantial increases in the cost of the raw materials were usually immediately reflected in the prices.

Between June 1950 and January 25, 1951, the cost of tungsten-bearing raw materials used in the manufacture of the products covered by this regulation increased substantially. Thus the price of hydrogen reduced tungsten metal powder, one of the principal raw materials used by the manufacturers covered by this regulation, increased from $3.00–$4.00 per pound in June 1950 to $4.00–$6.00 per pound in January 1951. These manufacturers, however, maintained their selling prices at the June 1950 level until December of that year when an increase approximating 23 percent was put into effect. On January 24, 1951, manufacturers accounting for approximately 70 percent of the total sales volume of sintered tungsten carbide products and mixed powders increased their selling prices an additional 17 percent while the balance of the industry made no change in their prices. This two level price structure, an unusual condition for the industry, was reflected in the ceiling prices established by the General Ceiling Price Regulation and caused some distortion in the normal distribution pattern of the products involved. On May 7, 1951, the raw material costs of these manufacturers were again increased by reason of the ceiling price increases made in Ceiling Price Regulation 33—Ferrotungsten, Tungsten Metal Powder, and other Tungsten Products which established a ceiling price of $7.75 per pound for hydrogen reduced powder.

This regulation establishes ceiling prices for sintered tungsten carbide products and mixed powders at the level of the prices heretofore prevailing under the GCPR for 70 percent of the total dollar output and it thus permits an increase of approximately 17 percent in the prices of manufacturers accounting for the balance of the production. This action will eliminate the abnormal dual price level heretofore prevailing and will give relief to those manufacturers who have been absorbing all of the increases in their raw materials costs since December 1950. It is believed that this regulation will permit an over-all return for the industry sufficient, on the basis of present costs, to encourage the high rate of production required by our defense program.

The pricing technique embodied in this regulation reflects the general practices of the industry. Specific dollars and cents prices are set forth for various standard or base products and in calculating a ceiling price for a particular item each manufacturer is permitted to use the applicable extras and quantity and other differentials which he had in effect on January 25, 1951.

In the judgment of the Director of Price Stabilization the provisions of this ceiling price regulation are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability. In the judgment of the Director, the ceiling prices established in this regulation for sintered tungsten carbide products and mixed powders are not below the lower of the prices prevailing just before the issuance of this regulation or the prices prevailing during the period January 25, 1951, to February 24, 1951, inclusive.

In formulating this regulation, the Director consulted with industry representatives to the extent practicable and has given full consideration to their recommendations.

The provisions of this ceiling price regulation and their effect upon business practices, cost practices, or means or aids to distribution in the industry have been considered. It is believed that no changes in such practices or methods have been effected. To the extent, however, that the provisions of this regulation may operate to compel changes in such practices or methods, such provisions are necessary to prevent circumvention or evasion of the regulation and to effectuate the policies of the act.

REGULATORY PROVISIONS

Sec.

AUTHORITY: Sections 1 to 14 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *Coverage of this regulation*—(a) *Products covered.* This regulations establishes ceiling prices for sintered tungsten carbide products and mixed powders used in the manufacture of such products.

(b) *Persons and transactions covered.* This regulation applies to all sales, except export sales and sales for export, by a manufacturer of the products covered by this regulation. It also ap-

plies to any person who in the regular course of trade or business buys such products from a manufacturer.

(c) *Geographical applicability.* This regulation applies in the 48 States of the United States, its Territories and Possessions, and the District of Columbia.

SEC. 2. *Prohibitions*—(a) *Against transactions above ceiling prices.* Regardless of any contract or other obligation, on and after the effective date of this regulation no person covered by this regulation shall sell or deliver, or buy or receive in the regular course of trade or business, any of the products covered by this regulation at a price in excess of the applicable ceiling price established in this regulation. No person shall offer, solicit, attempt, or agree to do any of the foregoing.

Lower prices than the ceiling prices set forth in this regulation may be charged, demanded, paid or offered.

(b) *Against tie-in transactions.* No person covered by this regulation shall sell any of the products covered by this regulation on condition (1) that the buyer purchase from any person any commodity or service, or (2) that the buyer sell to any person any commodity or service. No person who in the regular course of trade or business buys any of the products covered by the regulation shall participate in any such tie-in transactions.

(c) *Against evasion.* No person shall evade or circumvent the provisions of this regulation by direct or indirect methods in connection with the sale, purchase, delivery or transfer of any of the products covered by this regulation, alone or in conjunction with any other commodity, or by way of commission, service, or transportation charge or discount, premium, or other privilege, or by up-grading, trade understanding or otherwise.

SEC. 3. *Ceiling prices for industry standard blanks of sintered tungsten carbide.*—(a) *General provisions.* (1) This section sets forth ceiling prices, for industry standard blanks of sintered tungsten carbide. Paragraphs (b) and (c) of this section set forth ceiling prices for packaged lot quantities of stock and non-stock grades, respectively. Paragraph (d) of this section provides for quantity differentials for other than packaged lot quantities.

(2) The ceiling prices set forth in this section must be adjusted to reflect your customary differentials and terms of sale in accordance with section 7 of this regulation.

(b) *Stock grades.* Your ceiling price for an industry standard blank of a stock grade, in a packaged lot quantity, is the applicable base price set forth in Table A.

(c) *Non-stock grades.* Your ceiling price for an industry standard blank of a non-stock grade, in a packaged lot quantity, is the applicable base price set forth in Table A plus the applicable extra for grade which you had in effect on January 25, 1951.

(d) *Quantity differentials.* (1) When you deliver any industry standard blank in other than a packaged lot quantity, you must deduct from, and you may add to, the price determined in accordance with paragraph (b) or (c) of this section, the applicable quantity differential which you had in effect on January 25, 1951.

(2) If you did not have any packaged lot quantity or quantity differentials in effect on January 25, 1951, for deliveries of industry standard blanks you must apply to OPS for the establishment of such quantity and differentials.

(i) Any application pursuant to this sub-paragraph must be filed by registered mail with the Office of Price Stabilization, Washington 25, D. C., and must contain the following information: Your name and address; your proposed packaged lot quantity and quantity differentials; and a description of the method you used in determining such quantity and differentials.

(ii) Any packaged lot quantity and quantity differentials established by OPS will be such as to establish ceiling prices for you in line with the ceiling prices otherwise established in this section.

(iii) If you have filed an application pursuant to this subparagraph you may sell the products covered thereby at prices determined by using your proposed packaged lot quantity and quantity differentials provided that you agree with the buyer to refund the amount, if any, by which such prices exceed the ceiling prices determined by using the packaged lot quantity and quantity differentials established by OPS. If OPS has not acted upon your application within 30 days of the receipt thereof, your proposed packaged lot quantity and quantity differentials shall be deemed to be established for all deliveries made between the date of filing and the date of any order issued by OPS disposing of your application.

(iv) If you are required to file an application pursuant to this subparagraph and do not do so, OPS may issue an order establishing a packaged lot quantity and quantity differentials for you. Any packaged lot quantity and quantity differentials set forth in such order will be in line with the differentials otherwise established in this regulation and will apply to all deliveries for which differentials were not otherwise established by this regulation, including deliveries made prior to the date of the order. The issuance of such an order will not relieve you of your obligation to comply with the requirements of this regulation or the various penalties for your failure to do so.

SEC. 4. *Ceiling prices for non-standard products of sintered tungsten carbide*—(a) *Ceiling prices.* Your ceiling price for any non-standard product is the applicable base price determined in accordance with paragraph (b) of this section plus the applicable extras and quantity differentials provided for in paragraphs (c) and (d) of this section, respectively. You must adjust the ceiling price so determined to reflect your customary differentials and terms of sale in accordance with section 7 of this regulation.

(b) *Base prices.* The base price for any non-standard product is the applicable price set forth in Table B. To determine the gram weight of the product being priced you must calculate the volume in cubic inches of the smallest of the following geometric figures which encloses the product and multiply by 240: Rectangular parallelepiped; prism, the end surfaces of which are right triangles and the side surfaces rectangles; solid right circular cylinder; or a hollow right circular cylinder with concentric inside and outside diameters.

To determine a base price for a blank having a gram weight not listed in Table B do not interpolate, but use the next higher weight set forth.

(c) *Extras.* (1) The base prices set forth in Table B apply to a simple rectangular blank of a base grade. In determining a ceiling price for a non-standard product you may charge your applicable extras in effect on January 25, 1951, for dimensions, tolerance, shape, hazard factors, and grade.

(2) If you had no extras in effect on January 25, 1951 for a non-standard product of an established grade, you must calculate applicable extras by using your customary formula in effect on January 25, 1951. You must apply your formula exactly as you would have on January 25, 1951 and you must use the materials costs and labor rates in effect for you on that date. You may not include any cost increases occurring after January 25, 1951, in calculating your extras.

(d) *Quantity differentials.* In calculating your ceiling price for a non-standard product in a quantity less than the quantity specified in Table B, you may include the applicable quantity differential which you had in effect on January 25, 1951. In determining whether a quantity differential is applicable to a particular transaction, you must follow your customary practice as of January 25, 1951.

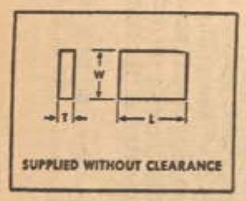
SEC. 5. *Ceiling prices for mixed powders*—(a) *General provisions.* This section sets forth ceiling prices for mixed powders used in the manufacture of sintered tungsten carbide products. You must adjust the ceiling price set forth in paragraph (b) or (c) of this section to reflect your customary differentials and terms of sale in accordance with section 7.

(b) *Straight tungsten carbide powder.* Your ceiling price for straight tungsten carbide powder containing 3 to 16 percent cobalt is the applicable price set forth in Table C.

(c) *Other grades.* Your ceiling price for any other grade of mixed powder is the applicable price set forth in Table C plus your grade extra in effect on January 25, 1951.

TABLE A

STYLE 1000



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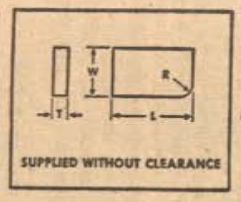

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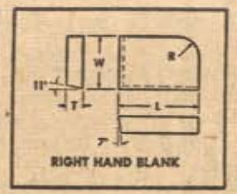

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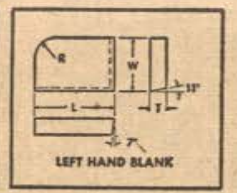

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1050	2050	3/32	3/16	1/2	.23
1060	2060	3/32	1/4	3/8	.23
1070	2070	3/32	1/2	1/2	.28
1080	2080	3/32	5/16	3/8	.27
1090	2090	3/32	3/8	3/8	.31
1100	2100	3/32	3/8	1/2	.38
1105	2105	3/32	7/16	1/2	.43
1110	2110	1/8	3/16	3/4	.38
1120	2120	1/8	1/4	1/2	.35
1130	2130	1/8	1/4	5/8	.41
1140	2140	1/8	1/4	3/4	.47
1150	2150	1/8	5/16	7/16	.37
1160	2160	1/8	5/16	1/2	.41
1170	2170	1/8	5/16	5/8	.49
1180	2180	1/8	3/8	1/2	.47
1190	2190	1/8	3/8	3/4	.64
1200	2200	1/8	1/2	1/2	.58
1210	2210	1/8	1/2	3/4	.79
1215	2215	1/8	3/4	3/4	1.07
1220	2220	5/32	3/8	9/16	.61
1230	2230	5/32	5/8	3/4	.76
1240	2240	5/32	5/8	5/8	.96
1250	2250	5/16	5/16	7/16	.50
1260	2260	5/16	5/16	5/8	.65
1270	2270	5/16	3/8	1/2	.64
1280	2280	5/16	3/8	5/8	.76
1290	2290	5/16	3/8	3/4	.86
1300	2300	5/16	7/16	5/8	.85
1310	2310	5/16	7/16	13/16	1.02
1320	2320	5/16	1/2	1/2	.79
1330	2330	5/16	1/2	3/4	1.07
1340	2340	5/16	3/4	3/4	1.45

BLANK ORDER NO.	BLANK ORDER NO.	BLANK ORDER NO.	BLANK DIMENSIONS			BASE PRICE EACH
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1380	3380	4380	1/4	1/2	3/4	1.32
1390	3390	4390	1/4	9/16	1	1.84
1400	3400	4400	1/4	5/8	5/8	1.36
1405	3405	4405	1/4	3/4	3/4	1.84
1410	3410	4410	1/4	3/4	1	2.45
1420	3420	4420	5/16	7/16	5/8	1.24
1430	3430	4430	5/16	7/16	1 5/16	1.67
1440	3440	4440	5/16	1/2	3/4	1.57
1450	3450	4450	5/16	1/2	1	2.04
1460	3460	4460	5/16	5/8	1	2.55
1470	3470	4470	5/16	3/4	3/4	2.30
1475	3475	4475	5/16	3/4	1	3.06
1480	3480	4480	5/16	3/4	1 1/4	3.82
1490	3490	4490	3/8	1/2	3/4	1.84
1500	3500	4500	3/8	1/2	1	2.45
1510	3510	4510	3/8	5/8	1	3.06
1520	3520	4520	3/8	3/4	1 1/2	4.59
1525	3525	4525	3/8	3/4	1 1/2	5.51
1530	3530	4530	1/2	3/4	1	4.90
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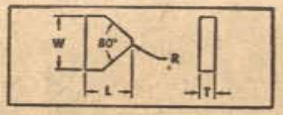

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5105	3/32	7/16	1/2	1/32	.43
5200	1/8	1/2	1/2	1/32	.59
5240	5/32	3/8	5/8	1/32	.97
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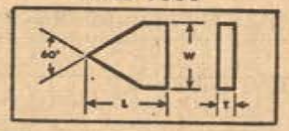

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6340	5/16	3/4	3/4	1.44

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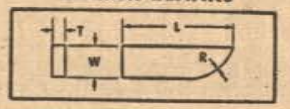

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RT-4	1/16	1/8	1 1/16	1/8	.17
RT-5	5/64	1/8	3/8	1/4	.24
RT-6	3/32	3/16	3/8	5/16	.33
RT-7	1/16	1 3/64	3/8	5/16	.26
RT-8	1/16	1 7/64	3/8	3/8	.30
RT-9	1/16	5/16	3/4	3/8	.36
RT-10	1/16	3/8	3/4	3/8	.43
RT-11	5/64	3/32	1	1/4	.16

CENTER BLANKS

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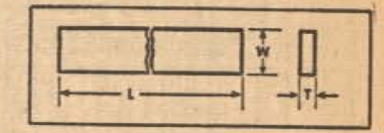
CT-50	.312	9/16	1.31
CT-60	.375	11/16	1.89
CT-80	.500	7/8	3.42
CT-100	.625	1 1/16	5.97
CT-120	.750	1 1/4	9.35
CT-140	.875	1 7/8	13.52

SCRAPER BLANKS



BLANK ORDER NO.	BLANK DIMENSIONS			BASE PRICE EACH
	Thickness	Width	Length	
ST-1	3/64	3/32	1	.16
ST-2	1/16	1/4	1	.39
ST-3	3/32	1/4	1	.49
ST-4	1/8	1/4	1 1/4	.69

TABLE B

Gram weight of blank	Quantity of blanks	Price of blank	Gram weight of blank	Quantity of blanks	Price of blank
1.00	10,000 or more	$0.13	7.20	3,470 or more	$0.56
1.10	9,600 or more	.14	7.40	3,380 or more	.57
1.20	9,250 or more	.15	7.60	3,290 or more	.59
1.30	8,900 or more	.16	7.80	3,205	.60
1.40	8,650 or more	.17	8.00	3,125 or more	.61
1.50	8,400 or more	.18	8.20	3,050 or more	.62
1.60	8,150 or more	.18	8.40	2,975 or more	.63
1.70	7,950 or more	.19	8.60	2,905 or more	.64
1.80	7,750 or more	.20	8.80	2,840 or more	.65
1.90	7,600 or more	.21	9.00	2,775 or more	.67
2.00	7,400 or more	.22	9.20	2,715 or more	.68
2.10	7,250 or more	.23	9.40	2,660 or more	.69
2.20	7,150 or more	.23	9.60	2,605 or more	.70
2.30	7,000 or more	.24	9.80	2,550 or more	.71
2.40	6,850 or more	.25	10.00	2,500 or more	.72
2.50	6,750 or more	.25	10.50	2,300 or more	.75
2.60	6,650 or more	.26	11.00	2,270 or more	.77
2.70	6,500 or more	.27	11.50	2,175 or more	.80
2.80	6,450 or more	.28	12.00	2,080 or more	.83
2.90	6,350 or more	.29	12.50	2,000 or more	.85
3.00	6,250 or more	.29	13.00	1,920 or more	.87
3.10	6,150 or more	.30	13.50	1,850 or more	.90
3.20	6,050 or more	.31	14.00	1,785 or more	.92
3.30	6,000 or more	.32	14.50	1,725 or more	.95
3.40	5,900 or more	.32	15.00	1,665 or more	.98
3.50	5,850 or more	.33	15.50	1,615 or more	1.00
3.60	5,800 or more	.34	16.00	1,560 or more	1.02
3.70	5,700 or more	.34	16.50	1,515 or more	1.05
3.80	5,650 or more	.35	17.00	1,470 or more	1.07
3.90	5,600 or more	.36	17.50	1,430 or more	1.09
4.00	5,500 or more	.36	18.00	1,390 or more	1.12
4.10	5,450 or more	.37	18.50	1,350 or more	1.14
4.20	5,400 or more	.38	19.00	1,315 or more	1.16
4.30	5,350 or more	.38	19.50	1,280 or more	1.19
4.40	5,300 or more	.39	20.00	1,250 or more	1.21
4.50	5,250 or more	.40	20.50	1,220 or more	1.23
4.60	5,200 or more	.40	21.00	1,190 or more	1.25
4.70	5,150 or more	.41	21.50	1,165 or more	1.27
4.80	5,100 or more	.42	22.00	1,135 or more	1.30
4.90	5,050 or more	.42	22.50	1,110 or more	1.32
5.00	5,000 or more	.43	23.00	1,085 or more	1.34
5.20	4,810 or more	.44	23.50	1,065 or more	1.36
5.40	4,630 or more	.46	24.00	1,040 or more	1.38
5.60	4,465 or more	.47	24.50	1,020 or more	1.40
5.80	4,310 or more	.48	25.00	1,000 or more	1.42
6.00	4,170 or more	.49	26.00	960 or more	1.47
6.20	4,030 or more	.50	27.00	925 or more	1.51
6.40	3,905 or more	.52	28.00	890 or more	1.55
6.60	3,790 or more	.53	29.00	860 or more	1.59
6.80	3,675 or more	.54	30.00	835 or more	1.63
7.00	3,575 or more	.55	Over 30 grams—price per gram, $0.0544.		

TABLE C

Minimum order per grade	Minimum released for each delivery per grade	Price
200 kilograms	50 kilograms	$21.40 per kilogram.
199 to 10 kilograms	10 kilograms	$26.30 per kilogram.
Less than 10 kilograms (22.0 pounds) to and including 10 pounds.		$26.30 per kilogram, plus 5 percent.
Less than 10 pounds to and including 5 pounds		$26.30 per kilogram, plus 10 percent.

SEC. 6. *Ceiling prices for new grades.* (a) If you are unable to determine a ceiling price for a new grade of a sintered tungsten carbide product or mixed powder under the provisions of this regulation, you must apply to the OPS for the establishment of a ceiling price.

(1) Any application pursuant to this section must be filed by registered mail with the Office of Price Stabilization, Washington 25, D. C. and must contain the following information: Your name and address; the specifications of the grade of the product for which a ceiling price is to be established; a statement of the reasons why you are unable to determine a ceiling price under the provisions of this regulation; a proposed ceiling price; and a statement of the method used in determining such price.

(2) Any ceiling price established by OPS pursuant to this section will be in line with the ceiling prices otherwise established in this regulation.

(3) After receipt of an application pursuant to this section, OPS may approve or disapprove your proposed ceiling price, establish a different ceiling price, or request additional information. Pending any such action, you may sell the product covered by your application at your proposed ceiling price provided that you agree with the buyer to refund the amount, if any, by which such price exceeds the ceiling price established by OPS. If OPS has not acted upon your application within 30 days of the receipt thereof, your proposed ceiling price shall be deemed to be established for all deliveries made between the date of filing of your application and the date of any order issued by OPS disposing of your application.

(b) If you are required to file an application pursuant to paragraph (a) of this section and do not do so, OPS may issue an order establishing a ceiling price for you. Any ceiling price set forth in any such order will be in line with the ceiling prices otherwise established in this regulation and will apply to all deliveries for which a ceiling price was not otherwise established by this regulation, including deliveries made prior to the date of the order. The issuance of such an order will not relieve you of your obligation to comply with the requirements of this regulation or of the various penalties for your failure to do so.

SEC. 7. *Customary differentials and terms of sale*—(a) *Class of purchaser differentials.* You must adjust the ceiling price determined in accordance with sections 3, 4, or 5 of this regulation to reflect all distributor, special customer discounts, or other class of purchaser differentials which you had in effect on January 25, 1951.

(b) *Delivery.* You must sell the products covered by this regulation on the same basis as you did on January 25, 1951. If on that date you customarily sold on an f. o. b. shipping point basis, you may continue to do so and you need not make any deductions in the ceiling prices established by this regulation on account of transportation costs incurred by the buyer. If on January 25, 1951, you customarily made a transportation allowance, you must adjust the ceiling prices established in this regulation to reflect the transportation allowance which you had in effect on that date. If on January 25, 1951, you customarily made delivery in your own trucks, you must continue to do so or reduce the ceiling price established in this regulation by the lowest applicable common carrier charge for transporting the product involved from the shipping point to the buyer.

(c) *Terms of sale.* You must adjust the ceiling price determined in accordance with sections 3, 4, or 5 of this regulation to reflect all cash discounts which you had in effect on January 25, 1951, and such price must carry all guarantees, servicing terms, and other applicable conditions of sale which you had in effect on that date. You may make a charge for extension of credit to a buyer if you customarily made such a charge therefor on January 25, 1951, but the amount of such charge must not be greater than that which you had in effect on that date.

SEC. 8. *Definitions.* When used in this regulation, the term:

(a) "Base grade" means a grade which you classified as "base" and for which you would not have charged a grade extra as of January 25, 1951.

(b) "Established grade" means a grade which was sold or offered for sale by you before January 25, 1951.

(c) "Extra (or differential) in effect" means the dollars and cents amount or percentage figure which you would have used on the date specified in pricing any of the products covered by this regulation.

(d) "Formula" means a method of determining extras on the basis of costs.

(e) "Grade" means a classification based upon chemical or metallurgical specifications.

(f) "Gram" means 1/240 of a cubic inch of sintered tungsten carbide.

(g) "Hazard factor" means any factor arising out of unusual specifications for the product which involve an extraordinary risk of spoilage in its manufacture.

(h) "Industry standard blank" means any sintered tungsten carbide blank of

the style, order number, and dimensions set forth in Table A of this regulation.

(i) "Mixed powder" means any powder used in the manufacture of sintered tungsten carbide products.

(j) "New grade" means a grade which was never sold or offered for sale by you prior to January 25, 1951.

(k) "Non-standard product" means any sintered tungsten carbide product not included within the definition of "Industry standard blank" set forth in paragraph (h) of this section.

(l) "Non-stock grade" means any grade classified as such by you on January 25, 1951.

(m) "OPS" means the Office of Price Stabilization.

(n) "Packaged lot quantity" means the lot as to which no applicable quantity differentials were in effect for you as of January 25, 1951.

(o) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representatives of any of the foregoing; the United States or any agency thereof; and any other government or its political sub-divisions or agencies.

(p) "Simple rectangular blank" means a rectangular blank of sintered tungsten carbide requiring no other forming.

(q) "Sintered tungsten carbide product" includes any compound of tungsten powder and carbon, with or without other carbides, mixed with a binder such as cobalt or nickel, shaped by pressing and forming and fused into a coherent solid mass by heating thoroughly without melting, and which is not further processed or fabricated.

(r) "Stock grade" means any grade classified as such by you on January 25, 1951.

(s) "You" means a manufacturer of any product covered by this regulation.

SEC. 9. *Transfers of business.* If the business, assets or stock in trade of a manufacturer of any product covered by this regulation are sold or otherwise transferred after the issuance of this regulation, and the transferee carries on the business, or continues to deal in the same product, in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee shall be the same as those to which his transferor would have been subject, if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation.

SEC. 10. *Record-keeping requirements.* (a) You must prepare and preserve for the life of the Defense Production Act of 1950, as amended, and for two years thereafter, all records necessary to determine whether you have computed your ceiling prices correctly, including but not limited to:

(1) Records showing your formulas, if any, in effect on January 25, 1951, used in pricing your products. Such records should include the materials costs and labor rates used in applying such formulas and all appropriate work sheets and documents substantiating such formulas; and

(2) Records showing the extra charges, quantity differentials, class of purchaser differentials, delivery terms, cash terms, guarantees and service terms, and other terms and conditions of sales which you had in effect on January 25, 1951.

(b) Every person making a sale or purchase of the products covered by this regulation must keep for inspection by the Office of Price Stabilization, for a period of two years, records of each such sale or purchase showing: The date thereof; the name and address of the seller and buyer; a description of each product sold or purchased; the quantity of each product sold or purchased; the price charged or paid; the extras, if any, charged and paid; the terms of sale; and the disposition of transportation charges. Retention of an invoice issued in connection with the sale will be considered compliance with this provision if all the information listed in this paragraph is contained in such invoice.

SEC. 11. *Excise, sales, and similar taxes.* Any person may collect, in addition to the ceiling prices established by this regulation, any excise, sales, or similar tax imposed upon him by reason of his sales of any of the products covered by this regulation if he is not prohibited by law from making such collection and if he states separately from his selling price the amount of the tax collected.

SEC. 12. *Adjustable pricing.* Nothing in this regulation shall be construed to prohibit any person making a contract or offer to sell a product covered by this regulation at (a) the ceiling price in effect at the time of delivery or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. No person, however, may deliver or agree to deliver such product at a price to be adjusted upward in accordance with any increase in a ceiling price after delivery.

SEC. 13. *Penalties.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950.

SEC. 14. *Petitions for amendment.* Any person seeking an amendment of this regulation may file a petition for amendment in accordance with the provisions of Price Procedural Regulation No. 1.

Effective date. This regulation shall become effective September 10, 1951.

NOTE: All record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 7, 1951.

[F. R. Doc. 51-10948; Filed, Sept. 7, 1951; 11:12 a. m.]

[General Ceiling Price Regulation, Amdt. 1 to Supplementary Regulation 11, Revision 2]

GCPR, SR 11, REV. 2—SOFT SURFACE FLOOR COVERINGS

PUNCHED FELT FLOOR COVERING; COMPARISON COMMODITY

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to General Ceiling Price Regulation, Supplementary Regulation 11, Revision 2 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment facilitates new goods pricing by manufacturers of punched felt floor coverings who did not manufacture any entirely wool faced punched felt floor coverings in the base period. It permits such manufacturers to use as comparison commodities punched felt floor coverings whose face was not made entirely of wool.

The amendment is necessary because under the regulation as presently written such manufacturers are unable to determine their ceiling prices except by letter order. This inability results from the fact that the regulation as now written permits only entirely wool faced floor coverings to be used as comparison floor coverings.

This amendment was adopted in response to and at the request of representatives of the industry who indicated that the relief provided was needed to enable manufacturers affected to determine ceiling prices for new goods in the most expeditious and convenient manner.

AMENDATORY PROVISIONS

General Ceiling Price Regulation, Supplementary Regulation 11, Revision 2, is amended as follows:

Section 3 (d) is amended by changing the period at the end of the first sentence to a comma and inserting the following language: ", except that if you are a manufacturer of punched felt floor covering and did not sell or offer for sale during that period an entirely wool faced floor covering you may use as a comparison floor covering one whose face is not entirely made of wool."

The first sentence, as thus amended, will read as follows: "The comparison floor covering to be used must be in the same category as the floor covering being priced; it must be a floor covering whose face is entirely made of wool; and must be one which you sold or offered for sale during the period from December 19, 1950 to January 15, 1951, except that if you are a manufacturer of punched felt floor covering and did not sell or offer for sale during that period any entirely wool faced floor covering, you may use as a comparison floor covering one whose face is not entirely made of wool."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to General Ceiling Price Regulation, Supplementary Regulation 11, Revision 2,

shall become effective September 12, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 7, 1951.

[F. R. Doc. 51-10949; Filed, Sept. 7, 1951; 11:12 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 58]

GCPR, SR 58—CEILING PRICE FOR EXTRACT WOOD PRODUCED FOR THE CHESTNUT EXTRACT INDUSTRY

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this supplementary regulation to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation establishes the ceiling price for sales and purchases of chestnut extract wood which is the primary raw material of the chestnut tannin extract industry located in the Southeastern United States. The extract wood is processed so that tannin, a vegetable tanning material, is extracted. This extract is the only domestic material suitable to the processing of important grades of heavy leathers. The spent chips are generally used for conversion into pulp for the manufacture of paperboard.

Heretofore, such sales of chestnut extract wood were governed by the provisions of the General Ceiling Price Regulation which in effect froze the seller's price as of base period, December 19, 1950, to January 25, 1951, inclusive. This supplementary regulation establishes a ceiling price of $12.00 per cord (128 cubic feet) delivered at the buyer's extract plant or f. o. b. car according to the seller's practice during the period January 1, 1951 to June 30, 1951, inclusive. This action will not occasion any increase in the price of chestnut extract wood, except in the area of one chestnut tannin extract plant out of a total of ten such plants in the United States, because sellers in the other nine areas who produced more than 80 percent of the total annual consumption have already established a GCPR ceiling of $12.00 per cord. In the single area where the GCPR ceiling is below $12.00 per cord, the local chestnut tannin extract plant is experiencing difficulty in obtaining sufficient quantities of chestnut extract wood to meet its production requirements. Therefore, it is deemed advisable to issue this supplementary regulation to establish uniform prices for all sellers so as to assure the continued flow of this commodity essential to the defense effort. The production of vegetable tanning materials has been declared necessary to promote the national defense and the National Production Authority has instituted restrictions on their use by Order M-57. This supplementary regulation will exercise no effect upon the ceiling prices for either tannin or the leather products it is used to process.

The Director of Price Stabilization has consulted with representatives of the industry insofar as practicable and has considered their recommendations. In the judgment of the Director of Price Stabilization this supplementary regulation is generally fair and equitable and is necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Ceiling price for chestnut extract wood.
3. Definitions.
4. Miscellaneous.

AUTHORITY: Sections 1 to 4 issued under Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation supersedes sections 3 through 7 (pricing provisions) of the General Ceiling Price Regulation with respect to all sales of chestnut extract wood and establishes a dollar and cent ceiling price for all sales of chestnut extract wood to the chestnut extract industry located in the United States.

SEC. 2. *Ceiling price for chestnut extract wood.* The ceiling price for sales of chestnut extract wood to buyers in the chestnut extract industry shall be $12.00 per cord delivered at the buyer's extract plant or f. o. b. car according to the seller's practice during the period January 1, 1951 to June 30, 1951, inclusive.

SEC. 3. *Definitions.* (a) When used in this supplementary regulation, the term:

(1) Cord refers to an amount of wood which, when properly prepared and stacked occupies a space of 128 cubic feet.

SEC. 4. *Miscellaneous.* Except as herein specifically modified all of the provisions of the General Ceiling Price Regulation remain in effect.

Effective date. This supplementary regulation shall become effective September 12, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 7, 1951.

[F. R. Doc. 51-10950; Filed, Sept. 7, 1951; 11:12 a. m.]

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order 44 (DRO-33)]

DRO-33—RATES OF COAL IN BULK FROM THE PORT OF CHARLESTON, SOUTH CAROLINA

SEC.
1. What this order does.
2. Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.

AUTHORITY: Sections 1 and 2 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

SECTION 1. *What this order does.* This order authorizes the same freight rates and charter terms and conditions on full cargoes of coal in bulk from the port of Charleston, South Carolina as already published from Hampton Roads, Baltimore or Philadelphia to the respective destinations for which the National Shipping Authority has issued rate orders.

SEC. 2. *Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.* Effective on vessels commencing to load on and after August 15, 1951, freight rates to be used in charters covering liftings of full cargoes of coal in bulk from Charleston, S. C., to the various destinations for which the National Shipping Authority has issued rate orders, shall be the same as the freight rates from Hampton Roads, Baltimore or Philadelphia to the respective destinations.

Charter Party terms and conditions as provided in existing coal rate orders of the National Shipping Authority to the various destinations shall be applicable to charters covering National Shipping Authority vessels loading coal at the port of Charleston, South Carolina.

[SEAL] C. H. MCGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 51-10932; Filed, Sept. 7, 1951; 9:22 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter F—Merchant Ship Sales Act of 1946

[Gen. Order 60, Supp. 20-A]

PART 299—RULES AND REGULATIONS, FORMS AND CITIZENSHIP REQUIREMENTS

SUBPART C—CHARTER OF WAR-BUILT VESSELS TO CITIZENS

§ 299.36 *Regulations with respect to Reserves to be taken into account in the determination of "Net Voyage Profit" under SHIPSALESDEMISE Form No. 303 (Military Sea Transportation Service) Bareboat Charter Agreements.*[1] Clause 27 of Part II of Form No. 303 Shipsalesdemise (Military Sea Transportation Service) bareboat charter agreement (herein referred to as the "Agreement") provides, among other things, that notwithstanding the provisions of United States Maritime Commission General Order No. 22, as adopted by its successor, the Federal Maritime Board/Maritime Administration, and amended from time to time (Part 282 of this Chapter), such reserves as may

[1] This form of charter is the same as that prescribed by § 299.82 of this chapter except for modifications adapting it for the Military Sea Transportation Service. Copies of this charter will be furnished by the Maritime Administration upon request.

be specifically authorized by the Owner shall be taken into account in the determination of "Net Voyage Profit" thereunder or the expenses to provide for which such reserves are so authorized shall be distributed over the period of use thereunder of the vessels involved, in such manner as will accomplish the same result as though such reserves were established, all pursuant to regulations prescribed by the Owner. To implement that provision of the aforesaid agreement, the following regulations are prescribed:

(a) Subject to the conditions provided in this section, upon application of the Charterer, supported by adequate data based on past experience, the inclusion in vessel operating expenses applicable to all voyages terminating after June 30, 1950, of such charges as the Maritime Administration determines to be fair and reasonable will be permitted to provide reserves for:

(1) Vessel repair expenses (including voyage and annual or periodic special survey repair expenses as well as expenses of repairs incident to redelivery of vessels).

(2) Vessel redelivery expenses (excepting expenses for which the Charterer is reimbursed by the Owner pursuant to paragraph (b) of Clause 15 of Part II of the aforesaid Agreement, and excepting also any overhead expenses of the Charterer) incurred during the period from the time of paying off the crew or completion of discharge of cargo or ballast on the last voyage, or from the date of availability of the vessel for redelivery pursuant to the terms of the Agreement, whichever later occurs, to the time of redelivery of the vessel to the Maritime Administration, such as (i) wages of crew, (ii) food and stores consumed, (iii) fuel consumed, (iv) basic charter hire, (v) insurance premiums, (vi) port charges, (vii) cleaning, watching, maintenance expenses, shore labor, and miscellaneous expenses incident to redelivery, and (viii) expenses, if any, incident to transporting the ship from port of return in the United States upon its last voyage to port of redelivery, and

(3) Reserves for P. & I. insurance deductible average losses.

(b) The reserves for vessel repair expenses and for vessel redelivery expenses shall be adjusted (1) as at December 31, 1950, with respect to vessels redelivered to the Maritime Administration on or before that date, (2) as at the end of each succeeding calendar year with respect to vessels redelivered to the Maritime Administration during such year, and (3) at the time of final accounting under the Agreement with respect to vessels redelivered to the Maritime Administration during the period following the end of the last preceding calendar year. Such adjustment shall be accomplished by distributing separately the balances in such reserves applicable to each individual vessel redelivered to the Maritime Administration during each such period in such manner as will have the effect of spreading the actual expenses applicable to each such vessel over the accounting periods involved (with respect to which a separate determination of additional charter hire is required to be made) on the basis of the relation that the number of vessel days of such vessel in each such period bears to the total of such vessel days commencing with the beginning of the first voyage of such vessel terminating after June 30, 1950, and ending with the date of its redelivery to the Maritime Administration.

(c) The reserves for P. & I. insurance deductible average losses shall be adjusted at the time of final accounting under the Agreement, by distributing separately the balances in such reserves applicable to each individual vessel in such manner as will have the effect of spreading the actual expenses applicable to each individual vessel over the accounting periods involved (with respect to which a separate determination of additional charter hire is required to be made) on the basis of the relation that the number of vessel days of such vessel in each such period bears to the total of such vessel days commencing with the beginning on the first voyage of such vessel terminating after June 30, 1950, and ending with the date of its redelivery to the Maritime Administration.

(d) If in any instance either of the reserves specifically authorized in paragraph (a) of this section is not established, or, if established, the amount thereof is not adequate to cover the actual expenses properly chargeable thereto, such expenses, or the excess thereof over the amount of the reserve established to provide therefor, as the case may be, applicable to such individual vessel involved, shall be distributed over the period of use of such vessel under the Agreement, commencing with the first voyage terminating after June 30, 1950, in such manner as will accomplish the same result as though adequate reserves were established to provide for such expenses as provided in this section.

(e) In the determination of "Net Voyage Profit" under the Agreement, there shall not be taken into account (1) any charge resulting from the creation of reserves to cover expenses other than those specifically provided for in paragraph (a) of this section, or (2) any charge resulting from the spreading of expenses other than those with respect to which the creation of reserves is specifically provided for in paragraph (a) of this section.

(f) The establishment of the rules and regulations prescribed in this section is without prejudice to the right of the Maritime Administration to determine upon the employment of other bases for allocation of the expenses involved in any instance where, in the judgment of the Maritime Administration, the results produced by the application of the regulations prescribed by this section are not fair and reasonable and in accordance with sound accounting practice.

(Sec. 204, 49 Stat. 1987, as amended, sec. 12, 60 Stat. 49; 46 U. S. C. 1114, 50 U. S. C. App. 1745. Interprets or applies sec. 5, 60 Stat. 43, as amended; 50 U. S. C. App. 1738)

Dated: August 24, 1951.

[SEAL] E. L. COCHRANE,
Maritime Administrator.

[F. R. Doc. 51-10853; Filed, Sept. 7, 1951; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 971]

[Docket No. AO 175 A9]

HANDLING OF MILK IN DAYTON-SPRINGFIELD, OHIO, MARKETING AREA

PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENTS AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Dayton Biltmore Hotel, 210 N. Main Street, Dayton, Ohio, beginning at 10:00 a. m., e. s. t., September 13, 1951, for the purpose of receiving evidence with respect to emergency and other economic conditions which relate to the handling of milk in the Dayton-Springfield marketing area and to the proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Dayton - Springfield marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the Order (No. 71), as amended, for the Dayton-Springfield marketing area have been proposed as follows:

By the Miami Valley Milk Producers' Association.

1. * * * "that from the effective date of any amendments resulting from this hearing and through October 31, 1951, Class I and II prices be increased 35 cents per hundredweight over and above the present order prices which also

would be in addition to any increase in price resulting from the supply-demand formula now awaiting the final decision by the United States Department of Agriculture and further, that such supply-demand formula should not be less than 35 cents per hundredweight during the months of November and December 1951 and January and February 1952."

By the Dairy Branch, Production and Marketing Administration.

2. Make such other changes, amendments or deletions as may be required to make the entire marketing agreement and order conform with any provisions of amendments that may result from the hearing.

Copies of this notice of hearing and of the order, as amended, now in effect, may be procured from the Market Administrator, 434 Third National Bank Building, Dayton 2, Ohio, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: September 5, 1951.

ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 51-10879; Filed, Sept. 7, 1951; 8:57 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10050]

CLASS B FM BROADCAST STATIONS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of the revised tentative Allocation Plan for Class B FM Broadcast Stations; Docket No. 10050.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations as follows:

General area	Channels	
	Delete	Add
1. Madison, Wis.	290	281
2. Albany, Ga.	266	------
Dawson, Ga.	------	266

3. The purpose of the proposed amendment is to allocate Channel 281 to Madison, Wisconsin and Channel 266 to Dawson, Georgia, thereby facilitating consideration of pending applications for these respective facilities.

4. Authority for the adoption of the proposed amendments is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before October 8, 1951, a written statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments or briefs may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.784 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

Adopted: August 29, 1951.

Released: August 30, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-10856; Filed, Sept. 7, 1951; 8:53 a. m.]

[47 CFR Part 51]

[Docket No. 10049]

CLASS A AND B TELEPHONE COMPANIES

NOTICE OF PROPOSED RULE MAKING

In the matter of revision of Part 51 of the Commission's rules and regulations; applicable to Class A and Class B Telephone Companies; Docket No. 10049.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to revise Part 51 of the Commission's rules and regulations as set forth below.

3. The proposed revision comprises a rearrangement of the rules in a more logical presentation, deletes the requirement for compiling the information more than once a year, and clarifies the rules with respect to (1) classification of general officers and their assistants and (2) a class of telephone operators designated as "service assistants."

4. The proposed revision is issued under authority of sections 4 (i) and 219 of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed revision should not be adopted, or should not be adopted in the manner proposed herein, may file with the Commission on or before September 28, 1951, a statement or brief setting forth his comments. At the same time persons favoring the revision as proposed may file statements in support thereof. Statements or briefs in reply to the original comments may be filed on or before October 12, 1951. Before taking action in the matter the Commission will consider all such comments that are presented and, if any comments are submitted which appear to warrant the holding of oral argument, notice of the time and place of such oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and fourteen copies of all statements or briefs filed, plus one extra copy for each party to the proceeding in the case of comments in reply to the original statements or briefs, shall be furnished to the Commission.

Adopted: August 29, 1951.

Released: August 29, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

PART 51—OCCUPATIONAL CLASSIFICATION AND COMPENSATION OF EMPLOYEES OF CLASS A AND CLASS B TELEPHONE COMPANIES

APPLICABILITY

§ 51.1 *Companies subject to the rules in this part.* The rules and regulations in this part apply to Class A and Class B telephone companies as defined in § 31.01-1 of this chapter.

§ 51.2 *Scope of the rules in this part.* (a) The purpose of these rules and regulations is to indicate the manner of classifying and counting employees and to describe other related information which shall be maintained of record.

(b) Companies subject hereto shall record, and report annually to the Commission, the following information with respect to employees, classified according to occupation, as of the last normal business day of October:

(1) Number of employees, male and female separately.

(2) Number of scheduled weekly hours.

(3) Amount of scheduled weekly compensation.

(4) Number of employees classified according to hourly rate of pay.

DEFINITIONS

§ 51.3 *Restrictive use of certain terms.* For the purposes of this part, certain terms are defined as follows:

"Employees" means all persons in the service of the company subject to its continuing authority to supervise and direct the manner of rendition of their service.

"Full-time employees" means those regularly assigned full time.

"General officer" means an officer serving a company in such a capacity as that of chairman of the board of directors (if he is an officer as well as a director), president, vice president, secretary, treasurer, general counsel, and comptroller, or, in the case of those companies that do not have officers bearing the aforesaid titles, the term includes those officers who have the responsibilities normally associated with such titles.

"Hourly rate of pay" means the "scheduled weekly compensation" divided by the "scheduled weekly hours."

"Joint employees" means persons (except general officers) concurrently engaged under a joint arrangement in the service of two or more telephone companies.

"Part-time employees" means those regularly assigned shorter hours than a full-time schedule.

"Scheduled weekly compensation" means the wages scheduled to be paid for "scheduled weekly hours."

"Scheduled weekly hours" means, for the employees included in the count, the number of weekly hours scheduled for the week in which the count is taken.

DATA REQUIRED TO BE MAINTAINED OF RECORD

§ 51.11 *Employees included in the count.* (a) Every person who is an employee of the telephone company, as defined in § 51.3, as of the last normal business day of October shall be included in the count.

(b) Joint employees, except as provided in paragraph (c) of this section, shall be counted by each telephone company involved in a joint service arrangement and shall be represented in its record of the number of employees by a fraction based on the number of telephone companies served. For example, if such an employee is in the service of three telephone companies, each such company shall include him in the number of employees as one-third of an employee. If, however, the entire compensation of an employee concurrently engaged in the service of two or more telephone companies is borne by a single telephone company, he shall be treated as an employee of that company and not as a "joint" employee.

(c) A person employed by and serving two or more telephone companies in the capacity of a general officer but acting independently for each company shall be counted as one employee by each company.

(d) The following employees shall be included:

(1) Full-time and part-time, including temporary, occasional, extra, and similar employees.

(2) Employees who are on paid vacations.

(3) Employees temporarily on leave on account of disability due to accident or sickness.

(e) The following persons shall not be included:

(1) All persons employed by the company as agents and paid exclusively on a commission basis.

(2) Employees on leave of absence or furloughs not paid for by the company.

(3) Pensioners not required to render service.

§ 51.12 *Scheduled weekly hours.* (a) The total number of scheduled weekly hours for employees in each occupational classification set forth in §§ 51.32 to 51.39, inclusive, shall be determined.

(b) These totals shall include the following:

(1) Hours of work of full-time and part-time employees, including temporary, occasional, extra, and similar employees.

(2) Paid vacation and holiday hours.

(3) Hours of employees temporarily on leave on account of disability due to accident or sickness.

§ 51.13 *Scheduled weekly compensation.* (a) The total amount of scheduled weekly compensation for employees in each occupational classification set forth in §§ 51.32 to 51.39, inclusive, shall be recorded.

(b) These totals shall include the following:

(1) Compensation of full-time and part-time employees, including temporary, occasional, extra, and similar employees.

(2) Vacation and holiday pay.

(3) Compensation of employees temporarily on leave due to disability or sickness.

(4) Employee contributions for old age benefits and unemployment insurance, also income tax withholdings and similar deductions.

NOTE: Commissions paid to agents and payments scheduled to pensioners shall not be included.

§ 51.14 *Hourly rate of pay.* Persons in the employ of the company as of the last normal business day in October in occupational classifications outlined in §§ 51.33 to 51.39, inclusive, shall be classified according to their hourly rate of pay. (See Annual Report Form M for appropriate current brackets of hourly rates.)

CLASSIFICATION ON BASIS OF CHARACTER OF SERVICE

§ 51.31 *Basis of classification.* Employees shall be classified with respect to character of service rendered in accordance with the respective classifications shown in §§ 51.32 to 51.39. Where an employee's duties are such as to make him includible in two or more classifications, he shall be counted in the classification most representative of his work or in the classification in which he regularly spends the greater part of his time.

§ 51.32 *Officials and managerial assistants.* (a) Include in this classification employees who are primarily concerned with responsible policy-making, or with planning, supervising, coordinating, or guiding the work activity of others, usually through intermediate supervisors or foremen.

(b) This classification shall be subdivided by Class A companies into groups as follows:

(1) *General and assistant general officers.* Include in this group such employees as chairman of the board of directors (if he is an officer as well as a director), president, vice-president, secretary, treasurer, general counsel, and comptroller, and all associated assistant general officers such as assistant vice-presidents, assistant secretaries, assistant treasurers, etc. Companies that do not have officers bearing the aforesaid titles shall include those officers who have the responsibilities normally associated with such titles. This group shall also include immediate subordinates of general officers who serve as administrative heads of personnel, public relations, information, or similar subdivisions of the company.

(2) *Other officials and assistants.* Include in this group such employees as general, division, and district managers and assistant managers in the various departments of the company; and sales or directory managers not primarily concerned with staff activities. This group shall also include comparable managerial employees in other departments, such as area auditors, auditors of disbursements, or auditors of receipts.

NOTE: Employees in occupations that embrace supervisory functions of the character exercised by foremen, but that involve limited aspects of policy-making and management shall not be included in this classification but shall be classified as provided in §§ 51.34, 51.35, 51.36, 51.37, or 51.38, as appropriate. Subordinates of employees included in this classification whose supervisory responsibilities relate primarily to technical professional, or staff activities shall be classified as provided in § 51.33.

§ 51.33 *Professional and semi-professional employees.* (a) Include in this classification employees in professional occupations that require for the proper performance of the work either extensive and comprehensive academic study, or experience of such extent and character as to provide an equivalent background, or a combination of such education and experience. Some of the occupations within this classification may necessitate backgrounds with respect to education, training, and experience similar to those for professional occupations but require less initiative or judgment. Employees in such semi-professional occupations deal with less complicated work situations than those in fields which are considered professional. This classification shall also include employees who provide staff assistance which is based on their extensive training and erperience in specialized types of work involved in the telephone business.

(b) This classification shall be subdivided by Class A companies into groups as follows:

(1) *Draftsmen.* Include in this group chief draftsmen as well as all other draftsmen.

(2) *Other professional and semi-professional employees.* Include in this group all accountants, attorneys, and engineers not classified under § 51.32; right-of-way agents, physicians, nurses, editors, laboratory technicians, and all other technical and professional employees; staff specialists, such as tax agents; statisticians; commercial, rate, directory, or sales engineers; and personnel, employment, advertising, training, safety, or methods specialists.

§ 51.34 *Business office and sales employees.* (a) Include in this classification all employees primarily engaged in handling business contacts with the general public by telephone, correspondence, or personal interview with respect to orders involving new or existing telephone services; in providing information or advice concerning such services; or (except for the receipt of payments by cashiers or tellers) in collecting revenues derived therefrom. This classification shall also include employees primarily engaged in the detailed supervision of such activities.

(b) This classification shall be subdivided by Class A companies into groups as follows:

(1) *Supervisors of business office and sales employees.* Include in this group

such employees as public office, local, unit, or nonfunctional managers; and business office, sales, or coin telephone supervisors.

(2) *Non-supervising business office and sales employees.* Include in this group such employees as commercial, public office, or service representatives; salesmen; commercial service observers; instructors or coaches; and coin telephone collectors.

NOTE: Clerical employees who assist in the work of sales employees shall not be reported in this classification but shall be classified in § 51.35.

§ 51.35 *Clerical employees.* (a) Include in this classification all employees who primarily transcribe, prepare, transfer, systematize, or preserve written communications or records, together with employees such as cashiers or tellers who receive or disburse funds; office boys or messengers; and others who perform miscellaneous types of office duties. Some of these activities include, in part or in whole, the operation of such mechanical devices as typewriters and bookkeeping, computing, or punch-card machines. This classification shall also include employees primarily engaged in the detailed supervision of such activities.

(b) This classification shall be subdivided by Class A companies into groups as follows:

(1) *Supervisors of clerical employees.* Include in this group such employees as chief clerks (if supervising) and office managers; supervising stenographers or typists; cashiers (if supervising), chief tellers, or paymasters; accounts or toll supervisors; service order supervisors or chief service order clerks; supervisors of payrolls, materials, estimates, vouchers, invoices, or reports and results; and all other supervising clerks.

(2) *Non-supervising clerical employees.* Include in this group clerical employees exclusive of supervisors of clerical forces. This group shall be further subdivided into the following departmental classifications: Commercial Department, Traffic Department, Plant Department, Accounting Department, and All Other Departments. Clerical employees include such employees as stenographers, typists, bookkeepers, bookkeeping machine operators, cashiers, receptionists, paymasters, timekeepers, checkers, office messengers, file clerks, repair service clerks, accounting and auditing clerks, and time clerks.

§ 51.36 *Telephone operators.* (a) Include in this classification all employees primarily engaged in the operation of telephone or teletypewriter switchboards (including official and non-official private branch exchange, public pay station, information, intercept, or telegraph boards, and similar auxiliary switchboard apparatus). This classification shall also include all traffic department employees primarily engaged in making tests or inspections at central offices or on subscribers' premises regarding switchboard service or otherwise investigating or adjusting subscribers' service complaints, and plant or traffic department employees making and recording routine detailed observations of switchboard service. Employees primarily engaged in the detailed supervision of such activities or in the instruction of operators shall also be reported in this classification.

(b) This classification shall be subdivided by Class A companies into groups as follows:

(1) *Chief operators, supervisors, service assistants, and instructors.* Include in this group such employees as chief, evening chief, night chief, or assistant chief operators; supervisors; service assistants; PBX or public pay station chief operators or supervisors; central office or student instructors; PBX or TWX visiting instructors; and chief service observers.

(2) *Experienced switchboard operators.* Include in this group such employees as telephone, PBX, or TWX switchboard operators; and information, intercept, or sender monitor operators. Such employees shall have at least 12 months' training and/or experience.

(3) *Operators in training.* Include in this group all student or junior operators during their first year of training in switchboard operation.

(4) *Other switchboard employees.* Include in this group such employees as public pay station attendants and service observers.

§ 51.37 *Construction, installation, and maintenance employees.* (a) Include in this classification all employees primarily engaged in the construction, installation, inspection, testing, or repair of central office or subscribers' equipment, or of outside plant, who are in skilled or semi-skilled occupations. This classification shall also include unskilled laborers employed in construction, installation, or maintenance work as well as employees primarily engaged in the detailed supervision of such activities.

(b) This classification shall be subdivided by Class A companies into groups as follows:

(1) *Foremen of telephone craftsmen.* Include in this group all foremen of employees classified under subparagraphs (2), (3), (4), and (5) of this paragraph, such as supervising foremen of construction, installation, or maintenance; wire chiefs or chief switchmen; central office installation, station installation, line, cable placing, cable splicing, or conduit foremen; and foremen of exchange repairmen.

(2) *Central office craftsmen.* Include in this group such employees as central office installers or repairmen, switchmen, framemen, or wiremen; testboardmen, testdeskmen, transmissionmen, or powermen; and central office inspectors. This group shall be further subdivided as follows:

(i) *Testboardmen and repeatermen.* Include in this subdivision employees engaged at central offices in making tests of plant equipment.

(ii) *Repairmen, central office.* Include in this subdivision all employees engaged in the maintenance of central office equipment.

(iii) *All other central office craftsmen.* Include in this subdivision central office craftsmen not counted in subdivisions (i) and (ii) of this subparagraph. Employees receiving training as apprentices in central office construction, installation, and maintenance work shall be included in this subdivision. Employees classified in this subdivision shall be limited to those engaged in skilled or semi-skilled work such as central office installers or inspectors.

(3) *Installation and exchange repair craftsmen.* Include in this group such employees as station or PBX installers, exchange repairmen, installer-repairmen, or combination-men. This group shall be further subdivided as follows:

(i) *PBX and station installers.* Include in this subdivision all employees engaged in installing station or private branch exchange equipment. Central office installers shall not be included in this subdivision but shall be reported under subparagraph (2) of this paragraph.

(ii) *Exchange repairmen.* Include in this subdivision all employees engaged in the maintenance of station or private branch exchange equipment.

(iii) *All other installation and exchange repair craftsmen.* Include in this subdivision all installation and exchange repair craftsmen not counted in subdivisions (i) and (ii) of this subparagraph. Employees receiving training as apprentices in installation and exchange repair work shall be included in this subdivision. Employees classified in this subdivision shall be limited to those engaged in skilled or semi-skilled work.

(4) *Line, cable, and conduit craftsmen.* Include in this group such employees as linemen, linemen-chauffeurs, and toll repairmen or line inspectors; cablemen, cable splicers and helpers, or cable testers, and groundmen; and conduitmen. This group shall be further subdivided as follows:

(i) *Linemen.* Include in this subdivision all employees engaged in aerial work incidental to the construction, modification, or maintenance of aerial plant.

(ii) *Cable splicers.* Include in this subdivision all employees engaged in splicing cables.

(iii) *Cable splicers' helpers.* Include in this subdivision all employees engaged in assisting cable splicers.

(iv) *All other line, cable, and conduit craftsmen.* Include in this subdivision all line, cable, and conduit craftsmen not counted in subdivisions (i), (ii), and (iii) of this subparagraph. Employees receiving training as apprentices in line and conduit work shall be included in this subdivision. Do not include in this subdivision apprentice splicers who shall be classified in subdivision (iii) of this subparagraph. Employees classified in this subdivision shall be limited to those engaged in skilled or semi-skilled work. Unskilled conduit laborers shall be included in subparagraph (5) of this paragraph.

(5) *Laborers.* Include in this group all unskilled laborers employed in construction, installation, or maintenance work.

§ 51.38 *Building, supplies, and motor vehicle employees.* (a) include in this

classification all employees primarily engaged in the maintenance of buildings or offices; in restroom, lunchroom, or similar personal services; in supply services; and in the operation or maintenance of motor vehicles. This classification shall also include employees primarily engaged in the detailed supervision of such activities.

(b) This classification shall be subdivided by Class A companies into groups as follows:

(1) *Foremen of building, supplies, and motor vehicle employees.* Include in this group such employees as supervising foremen of buildings, supplies, or motor vehicles; house service, building maintenance, garage, shop, or supplies foremen; and dining service supervisors.

(2) *Mechanics.* Include in this group non-supervising employees in skilled occupations related to the maintenance of buildings, supplies, and motor vehicles, such as stationary engineers, carpenters, painters, building electricians, plumbers, and garage or shop mechanics.

(3) *Other building service employees.* Include in this group all non-supervising building service employees, exclusive of building mechanics, such as janitors, porters, watchmen, elevator operators, firemen, guards, and non-supervising dining service, restroom, or locker-room employees.

(4) *Other supplies and motor vehicle employees.* Include in this group all non-supervising supplies and motor vehicle employees, exclusive of supplies and motor vehicle mechanics, such as stockmen, yardmen, and garagemen.

§ 51.39 *All other employees, not elsewhere classified.* Include in this classification all employees not classified under §§ 51.32 to 51.38, inclusive.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

[F. R. Doc. 51-10855; Filed, Sept. 7, 1951; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 61591]

WASHINGTON

ORDER PROVIDING FOR THE OPENING OF PUBLIC LANDS RESTORED FROM THE YAKIMA PROJECT

SEPTEMBER 4, 1951.

An order of the Bureau of Reclamation dated April 16, 1951, concurred in by the Assistant Director, Bureau of Land Management, May 22, 1951, revoked the Departmental orders of December 22, 1905, June 5, 1909 and November 26, 1918, so far as they withdrew under the provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388), the following described lands in connection with the Yakima Project, Washington, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described:

WILLAMETTE MERIDIAN

T. 17 N., R. 12 E., unsurveyed,
Secs. 12, 13, 14, 22, 23, 24, 26, and 27.
T. 17 N., R. 13 E.,
Secs. 7, 8, 17, 18, and 19.
T. 15 N., R. 17 E.,
Sec. 26, W½NW¼.
T. 9 N., R. 26 E.,
Sec. 8, NE¼NE¼, W½NE¼, W½.
T. 10 N., R. 27 E.,
Sec. 19, lots 6, 7, 8, SW¼SE¼, E½SE¼;
Sec. 29, NE¼SW¼, W½SW¼, N½SE¼, N½;
Sec. 30, lots 1, 4, 5, 6, 8, NW¼SE¼;
Sec. 31, lots 1 and 2;
Sec. 33, W½SW¼, SE¼SW¼.
T. 9 N., R. 28 E.,
Sec. 20, SW¼SW¼;
Sec. 28, NW¼NE¼, S½NE¼, NW¼, S½;
Sec. 34, SE¼NE¼, N½NW¼.
T. 8 N., R. 30 E.,
Sec. 4, lots 6, 7, 8.

The above areas aggregate 10,736.36 acres.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Spokane, Washington, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Spokane, Washington.

WILLIAM PURAN,
Acting Director.

[F. R. Doc. 51-10819; Filed, Sept. 7, 1951; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

WAYNE AND HOOSIER NATIONAL FORESTS

DESIGNATION OF CERTAIN LANDS IN OHIO AND INDIANA TO BE ADMINISTERED AS NATIONAL FORESTS

Whereas, the United States has acquired or hereafter may acquire certain land within the hereinafter-described areas in the States of Ohio and Indiana under authority of the act of March 1, 1911 (36 Stat. 961), as amended and supplemented, and

Whereas, the said lands are or will be subject to all laws applicable to lands acquired under the aforementioned acts, and

Whereas, pursuant to the provisions of section 11 of the act of March 1, 1911, the Secretary of Agriculture may from time to time divide the lands acquired under the aforementioned acts into such specific National Forests and so designate the same as he may deem best for administrative purposes, and

Whereas, the lands acquired or those that may be acquired by the United States under said acts within the hereinafter-described areas are so situated that the public interest will be served by having them designated and administered as National Forests;

Now, therefore, I, K. T. Hutchinson, Acting Secretary of Agriculture, by virtue of the authority vested in me by section 11 of the act of March 1, 1911, do hereby order that on and after October 1, 1951, any lands of the United States within the following described areas that have been or thereafter may be acquired pursuant to the said act of March 1, 1911, as amended and supplemented, shall be administered as the national forests hereinafter designated:

WAYNE NATIONAL FOREST, OHIO

OHIO COMPANY SURVEY

T. 2 N., R. 8 W.,
Lots 1 to 12, inclusive, 14 to 17, inclusive, 23, 25, 27, 29, 31, 34, 37 and 40.
T. 3 N., R. 8 W.,
Lots 43, 45, 47, 49, 51, 52, 53, 55, 58, 63 (part), 64, 142 (part), 153 to 157, inclusive, 160 to 163, inclusive, 835, 838 and Lot C;
Secs. 25 and 26;
Secs. 31 and 32.
T. 2 N., R. 9 W.,
Lots 275 to 278, inclusive, 280 to 283, inclusive, 286, 288, 290 to 351, inclusive, 355 to 357, inclusive, 361 to 363, inclusive, 367 to 369, inclusive;
Secs. 11, 16, 26 and 29.
T. 3 N., R. 9 W.,
Lots 373, 374, 379, 380, 385, 386, 391, 392, 397 to 399, inclusive, and part of 400;
Sec. 8.
T. 3 N., R. 10 W.,
Lots 680, 686, 692, 698, 704, 708, 712, 716, 720 to 723, inclusive, 732 to 735, inclusive, 748, 752, 756 and 760.
T. 5 N., R. 11 W.
Secs. 5, 6, 11, 12, 16, 17, 18, 23, 24, 29, 30, 33, 34, 35, 36 and fractional sections 17, 18, 23, 24, 30, 32, 33, 34, 35 and parts of fractional sections 31 and 36.
T. 6 N., R. 11 W.,
All.
T. 7 N., R. 11 W.,
Sec. 1, S½;
Sec. 7, S½;
Secs. 13, 19, 25, 26, 31, 32 and fractional sections 7, 13, 19, 25 and parts of fractional sections 1 and 31.
T. 5 N., R. 12 W.,
Secs. 3 to 6, inclusive, 11, 12, 17, 19, 24, 30, 36 and fractional 2, 3, 4, 5 and 12.
T. 6 N., R. 12 W.,
All.
T. 7 N., R. 12 W.,
Secs. 1 to 4, inclusive, 7, 8, 13, 16, 19, 25, 26, 31, 32, and fractional sections 1 to 7, inclusive, 12, 13, 17, 18, 19, 23, 24, 25, 30 to 36, inclusive.
T. 4 N., R. 13 W.,
Secs. 6, 12 and 18.
T. 5 N., R. 13 W.,
All except sections 25 to 36, inclusive.
T. 6 N., R. 13 W.,
Secs. 1, 7, 13, 19, 25, 31 to 36, inclusive.
T. 7 N., R. 13 W.,
Secs. 30, 35 and 36.
T. 1 N., R. 14 W.,
Secs. 29, 30, 34, 35, 36 and fractional sections 1265 to 1268, inclusive.
T. 2 N., R. 14 W.,
Fractional sections 1232 to 1235, inclusive, and 1240 to 1259, inclusive.
Tps. 10 and 11 N., R. 14 W.,
All.
T. 1 N., R. 15 W.,
Secs. 29, 35, 36 and fractional sections 1324 to 1327, inclusive.
T. 2 N., R. 15 W.,
Secs. 26 and 29, and fractional sections 1284 to 1323, inclusive.
T. 3 N., R. 15 W.,
Secs. 3, 4, 5, 6, 8, 11;
Sec. 16, S½;
Secs. 19, 25;
Sec. 26, E½;
Fractional sections 3, 4, 5, 6, 12, 19, 25, 30, 30, 31, 32, 34, 35, 36, 36, 668 to 673, inclusive.
T. 4 N., R. 15 W.,
Secs. 1 to 5, inclusive.
T. 12 N., R. 15 W.,
All.
T. 13 N., R. 15 W.,
All.
T. 8 N., R. 16 W.,
Sec. 2, W½;
Secs. 3 to 6, inclusive;
Sec. 8, W½;
Sec. 9, W½;
Secs. 10 to 12, inclusive, 14 to 18, inclusive, 20, 23, 24, 26, 29, 30, 32 to 36, inclusive; and common 21, 23, 24, 27, 30, 33, 34, 35 and 36.
T. 9 N., R. 16 W.,
All.
T. 10 N., R. 16 W.,
Secs. 13, 19, 25, 26, 31, 32, 33, and fractional sections 1, 6, 7, 13, 18, 19, 24, 25, 30, 31, 32, 33 and 36.
T. 12 N., R. 16 W.,
All except section 36.
T. 13 N., R. 16 W.,
Secs. 1, 2, 6, 7, 8, 12;
Sec. 18, E½;
Secs. 19 and 25; and fractional sections 2, 6, 8, 12, 17, 18, part of 19, 23, 24, 35, 36, and S½ fractional sections 770 to 781, inclusive.

OHIO RIVER SURVEY

T. 1 N., R. 4 W.,
All.
T. 2 N., R. 4 W.,
Secs. 7 to 9, inclusive, 13 to 15, inclusive, 19 to 22, inclusive, 25 to 28, inclusive, and 31 to 36, inclusive.
T. 3 N., R. 4 W.,
Sec. 31.
Tps. 1, 2 and 3 N., R. 5 W.,
All.
T. 4 N., R. 5 W.,
Secs. 1, 7 to 11, inclusive, 13 to 17, inclusive, 19 to 23, inclusive, 25 to 29, inclusive, and 31 to 35, inclusive.
Tps. 1, 2, 3 and 4 N., R. 6 W.,
All.
T. 5 N., R. 6 W.,
Secs. 1 to 5, inclusive, 7 to 11, inclusive, 13 to 17, inclusive, 19 to 23, inclusive, 25 to 29, inclusive, and 31 to 35, inclusive.
Tps. 2, 3 and 4 N., R. 7 W.,
All.
T. 5 N., R. 7 W.,
Secs. 1 to 11, inclusive, 13 to 16, inclusive, 19 to 22, inclusive, 25 and 26;
Sec. 27, E½;
Secs. 31 and 32.
T. 8 N., R. 13 W.,
Secs. 5 to 8, inclusive, 17 to 20, inclusive, 29 to 32, inclusive.
Tps. 12 and 13 N., R. 14 W.,
All.
T. 14 N., R. 15 W.,
All.
T. 15 N., R. 15 W.,
Secs. 1, 2, 11 to 14, inclusive, 22 to 27, inclusive;
Sec. 28, E½;
Sec. 31, S½;
Sec. 32, S½;
Secs. 33 to 36, inclusive.
T. 1 N., R. 16 W.,
Secs. 1 to 12, inclusive, 18, 19, 30;
Sec. 31, N½.
T. 2 N., R. 16 W.,
All.
T. 3 N., R. 16 W.,
Secs. 2 to 11, inclusive, 14 to 23, inclusive, 27 to 34, inclusive.
T. 4 N., R. 16 W.
Secs. 3 to 11, inclusive, 14 to 23, inclusive, 26 to 35, inclusive.
T. 5 N., R. 16 W.,
Secs. 7, 18 to 20, inclusive, 29 to 32, inclusive.
T. 7 N., R. 16 W.,
Secs. 5 to 8, inclusive, 17 to 20, inclusive, 29 and 30.
T. 14 N., R. 16 W.,
Secs. 1, 2;
Sec. 10, S½;
Secs. 11 to 17, inclusive, 20 to 29, inclusive, 34 to 36, inclusive.
T. 1 N., R. 17 W.,
Fractional sections 2, 3, 4, 6 and 7.
T. 2 N., R. 17 W.,
Secs. 1 to 18, inclusive, 20 to 28, inclusive;
Sec. 29, E½;
Secs. 33 to 36, inclusive.
Tps. 3, 4 and 5 N., R. 17 W.,
All.
T. 6 N., R. 17 W.,
All except section 1.
T. 7 N., R. 17 W.,
Secs. 31 to 35, inclusive, S½ of each.
T. 8 N., R. 17 W.,
Secs. 1 to 3, inclusive, 10 to 15, inclusive, and 22 to 27, inclusive.
T. 9 N., R. 17 W.,
Secs. 1 to 4, inclusive, 9 to 15, inclusive, 22 to 27, inclusive, 34 to 36, inclusive.
T. 10 N., R. 17 W.,
Secs. 1 to 3, inclusive, 10 to 15, inclusive, 21 to 28, inclusive, 33 to 36, inclusive.
T. 11 N., R. 17 W.,
Secs. 6, 7, 23 to 26, inclusive, 35 and 36.
T. 12 N., R. 17 W.,
All.
T. 1 N., R. 18 W. (fractional)
Secs. 1, 2 and 4.
T. 1 N., R. 18 W.,
Secs. 1 to 16, inclusive;
Sec. 17, N½;
Secs. 21 to 25, inclusive;
Sec. 26, N½;
Secs. 31 and 32.
Tps. 2, 3 and 4 N., R. 18 W.,
All.
T. 5 N., R. 18 W.,
Sec. 14, W½;
Secs. 15 to 22, inclusive;
Sec. 23, W½;
Secs. 25 to 36, inclusive.
T. 8 N., R. 18 W.,
Sec. 2, W½;
Secs. 3 to 10, inclusive;
Sec. 11, W½;
Sec. 14, NW¼;
Secs. 15 to 18, inclusive, N½ of each.
T. 9 N., R. 18 W.,
Sec. 1, N½, SW¼;
Secs. 2 to 11, inclusive;

Sec. 12, W½;
Sec. 14, W½;
Secs. 15 to 22, inclusive;
Sec. 23, W½;
Sec. 26, W½;
Secs. 27 to 34, inclusive;
Sec. 35, W½.
T. 10 N., R. 18 W.,
All.
T. 1 N., R. 19 W.,
Secs. 1, 2, 3;
Secs. 4, 8, 9, 10 and 11, those parts lying north and east of the Norfolk and Western Railroad right-of-way;
Sec. 12.
T. 2 N., R. 19 W.,
All.
T. 3 N., R. 19 W.,
All except sections 5 and 6.
T. 4 N., R. 19 W.,
All except sections 30, 31, and SW¼ of section 32.
T. 5 N., R. 19 W.,
Secs. 5 to 8, inclusive, 13 to 36, inclusive.
T. 6 N., R. 19 W.,
Sec. 6, N½.
T. 7 N., R. 19 W.,
Secs. 1 to 22, inclusive, 29 to 31, inclusive.
T. 8 N., R. 19 W.,
Secs. 1 to 12, inclusive;
Sec. 13, N½;
Sec. 14, N½;
Secs. 15 to 22, inclusive, 26 to 35, inclusive;
Sec. 36, W½.
T. 9 N., R. 19 W.,
All.
T. 10 N., R. 19 W.,
Sec. 22, S½;
Secs. 23 to 27, inclusive;
Sec. 28, S½;
Sec. 32, S½;
Secs. 33 to 36, inclusive.
T. 2 N., R. 20 W.,
Secs. 6, 12, 13;
Sec. 14, E½;
Secs. 19 to 22, inclusive, 27 and 28.
T. 3 N., R. 20 W.,
Secs. 1, 2;
Sec. 4, W½;
Secs. 5 to 9, inclusive;
Sec. 11, E½;
Sec. 12;
Sec. 13, E½;
Secs. 16 to 21, inclusive;
Sec. 24, E½;
Secs. 28 to 33, inclusive.
T. 4 N., R. 20 W.,
Secs. 1, 6, 7, 12, 13, 18, 19, 24, to 26, inclusive;
Sec. 29, W½;
Secs. 30 to 32, inclusive, 35 and 36.
T. 5 N., R. 20 W.,
Sec. 1, N½;
Secs. 16 to 21, inclusive, 28 to 32, inclusive.
T. 6 N., R. 20 W.,
All.
T. 7 N., R. 20 W.,
Secs. 1, 2, 9 to 25, inclusive, 27 to 32, inclusive.
T. 8 N., R. 20 W.,
Secs. 25 and 36.
T. 1 N., R. 21 W.,
Secs. 1 to 4, inclusive;
Sec. 5, E½;
Sec. 9, E½;
Sec. 10;
Sec. 11, N½, SW¼.
T. 2 N., R. 21 W.,
Secs. 1 to 4, inclusive;
Sec. 5, E½;
Sec. 8, E½;
Secs. 9 to 16, inclusive;
Sec. 17, E½;
Sec. 20, E½;
Secs. 21 to 28, inclusive;
Sec. 29, NE¼ and that part of SE¼ lying north and east of the Scioto River;
Sec. 32, that part lying east of the Scioto River;
Secs. 33 to 36, inclusive.

T. 3 N., R. 21 W.,
Secs. 1 to 18, inclusive;
Sec. 19, E½;
Secs. 20 to 27, inclusive;
Sec. 28, N½, SE¼;
Sec. 29, NE¼;
Sec. 33, E½;
Secs. 34 to 36, inclusive.
T. 4 N., R. 21 W.,
Secs. 9 to 11, inclusive;
Sec. 12, S½;
Secs. 13 to 16, inclusive, 21 to 36, inclusive.
T. 5 N., R. 21 W.,
Secs. 1 to 4, inclusive, 7 to 14, inclusive;
Sec. 19, N½, SE¼;
Secs. 20 to 24, inclusive;
Sec. 25, N½;
Sec. 34, E½.
T. 6 N., R. 21 W.,
Sec. 4.
Also those parts of The French Grants lying north and east of the Norfolk and Western Railroad right-of-way.

HOOSIER NATIONAL FOREST, INDIANA

SECOND PRINCIPAL MERIDIAN

T. 1 N., R. 1 E.,
Sec. 6, S½;
Secs. 7, 8, 17 to 23, inclusive, 25 to 36, inclusive.
T. 1 N., R. 2 E.,
Secs. 30 to 32, inclusive.
T. 6 N., R. 1 E.,
Secs. 1 to 18, inclusive.
Tps. 7, 8 and 9 N., R. 1 E.,
All.
T. 6 N., R. 2 E.,
Secs. 1 to 12, inclusive, 15 to 18, inclusive.
T. 7 N., R. 2 E.,
All.
T. 8 N., R. 2 E.,
Secs. 3 to 10, inclusive, 15 to 22, inclusive;
Sec. 25, S½;
Sec. 26, W½, SE¼;
Secs. 27 to 36, inclusive.
T. 9 N., R. 2 E.,
Sec. 32, S½;
Secs. 33 and 34.
T. 6 N., R. 3 E.,
Secs. 1 to 12, inclusive.
T. 7 N., R. 3 E.,
All.
T. 8 N., R. 3 E.,
Secs. 1, 2;
Sec. 3, E½;
Sec. 10, E½;
Secs. 11 to 15, inclusive;
Sec. 21, S½;
Secs. 22 to 28, inclusive;
Sec. 29, S½;
Sec. 30, S½;
Secs. 31 to 36, inclusive.
T. 6 N., R. 4 E.,
Secs. 6, 7.
T. 7 N., R. 4 E.,
Secs. 4 to 9, inclusive, 16 to 20, inclusive, 29 to 32, inclusive.
T. 8 N., R. 4 E.,
Secs. 6, 7, 18, 19, 30, 31.
T. 1 N., R. 1 W.,
Secs. 7 to 36, inclusive.
T. 3 N., R. 1 W.,
Secs. 5 to 8, inclusive, 17, 18.
T. 4 N., R. 1 W.,
Sec. 19, S½;
Secs. 29 to 32, inclusive.
T. 1 N., R. 2 W.,
Secs. 5 to 8, inclusive, 11 to 36, inclusive.
T. 2 N., R. 2 W.,
Secs. 2 to 11, inclusive, 14 to 20, inclusive, 29 to 32, inclusive.
T. 3 N., R. 2 W.,
All.
T. 4 N., R. 2 W.,
Secs. 2 to 11, inclusive, 14 to 36, inclusive.
T. 5 N., R. 2 W.,
Secs. 4 to 9, inclusive, 15 to 22, inclusive, 27 to 34, inclusive.
T. 1 N., R. 3 W.,
Secs. 1 to 30, inclusive, 33 to 36, inclusive.
T. 2 N., R. 3 W.,
All.
T. 3 N., R. 3 W.,
Secs. 31 to 36, inclusive.
T. 5 N., R. 3 W.,
Secs. 25, 26, 33 except that portion covered by Executive Order 8910, 34 to 36, inclusive.
T. 1 N., R. 4 W.,
Secs. 1, 12 to 14, inclusive, 23 to 25, inclusive.
T. 2 N., R. 4 W.,
Secs. 1 to 3, inclusive;
Sec. 10, that part lying east of the East Fork of the White River;
Secs. 11 to 14, inclusive, 23 to 25, inclusive, 36.
T. 3 N., R. 4 W.,
Sec. 26, S½;
Sec. 27, S½;
Secs. 34 to 36, inclusive.
Tps. 1, 2, 3 and 4 S., R. 1 W., All.
T. 5 S., R. 1 W.,
Secs. 1 to 21, inclusive, 28 to 33, inclusive.
T. 6 S., R. 1 W.,
Sec. 5, E½;
Secs. 6, 7;
Sec. 8, E½;
Sec. 17, E½;
Secs. 18, 19;
Sec. 20, E½;
Sec. 29, E½;
Secs. 30 to 34, inclusive.
T. 7 S., R. 1 W.,
Sec. 3, N½ lying west of the Ohio River;
Sec. 4, N½;
Sec. 5, N½;
Sec. 6, N½.
T. 1 S., R. 2 W.,
Secs. 1 to 30, inclusive, 33 to 36, inclusive.
T. 2 S., R. 2 W.,
Secs. 1 to 4, inclusive, 9 to 16, inclusive, 19 to 36, inclusive.
Tps. 3, 4 and 5 S., R. 2 W., All.
T. 6 S., R. 2 W.,
Secs. 1 to 30, inclusive;
Sec. 32, E½;
Secs. 33 to 36, inclusive.
T. 7 S., R. 2 W.,
Secs. 1 to 4, inclusive;
Sec. 5, E½;
Sec. 8, E½;
Secs. 9 to 12, inclusive, 14, 16.
T. 1 S., R. 3 W.,
Secs. 1, 2;
Sec. 3, N½;
Secs. 11 to 14, inclusive, 23 to 26, inclusive.
T. 3 S., R. 3 W.,
Secs. 23 to 26, inclusive, 35, 36.
T. 4 S., R. 3 W.,
Secs. 1, 2, 11 to 14, inclusive, 23 to 26, inclusive, 35, 36.
T. 5 S., R. 3 W.,
Secs. 1, 2, 11 to 14, inclusive, 23 to 26, inclusive, 35, 36.
T. 1 S., R. 1 E.,
All.
T. 2 S., R. 1 E.,
Secs. 4 to 9, inclusive, 16 to 21, inclusive, 28 to 33, inclusive.
T. 3 S., R. 1 E.,
Secs. 4 to 8, inclusive, 18.
T. 4 S., R. 1 E.,
Secs. 6 to 9, inclusive, 16 to 21, inclusive, 28 to 32, inclusive.
T. 1 S., R. 2 E.,
Secs. 5 to 8, inclusive, 17 to 20, inclusive, 29 to 32, inclusive.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the City of Washington, this 4th day of September, 1951.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 51-10880; Filed, Sept. 7, 1951; 8:57 a. m.]

Production and Marketing Administration

Wage Rates in Connection With Puerto Rican and Virgin Islands Sugarcane

Notice of Hearings and Designation of Presiding Officers

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of section 301 of the Sugar Act of 1948 (61 Stat. 929; U. S. C. Sup. 1131), notice is hereby given that public hearings will be held as follows:

At Santurce, Puerto Rico, in the Conference Room of the Production and Marketing Administration Office, Segarra Building, on September 20, 1951, at 9:30 a. m.,

At Christiansted, St. Croix, Virgin Islands, in the District Court Room, on September 24, 1951, at 9:30 a. m.

The purpose of such hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of section 301 (c) (1) of said act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Puerto Rico and the Virgin Islands during the calendar year 1952 on farms with respect to which applications for payments under the said act are made and (2), pursuant to the provisions of section 301 (c) (2) of said act, fair and reasonable prices for the 1951–52 Puerto Rican crop and the 1952 crop of Virgin Islands sugarcane to be paid, under either purchase or toll agreements by processors who, as producers, apply for payments under the said act.

In addition, with respect to fair and reasonable prices for the 1951–52 Puerto Rican crop it is the purpose of the hearing to receive testimony on two proposals:

(1) *Formula to be used in determining "yield of raw sugar".*

$$R=SFX$$

Where:

R=Recoverable sugar yield, 96° polarization.

S=Polarization of the undiluted (normal) juice obtained from the sugarcane of each producer.[1]

F=Factor obtained for each mill by multiplying the weighted *x-year* average normal (undiluted) juice extraction by the weighted *x-year* average boiling house efficiency number and dividing the result by 96.

X=Retention $(1.4-\frac{40}{C})$, or the percentage of sucrose (pol.) in the mixed juice that is recoverable in commercial sugars; C is the coefficient of purity of the grower's undiluted or normal juice.

The proposed formula is the well-known Winter-Carp formula which is used widely in other sugarcane areas to determine available sugar in sugarcane. It is generally recognized throughout the sugar industry as being an accurate method of determining sugarcane quality.

Under the formulae used in prior fair price determinations the quality of sugarcane delivered by individual producers was not fully recognized. A producer who delivered high quality sugarcane did not receive proportionately more sugar than a producer who delivered low quality sugarcane. The proposed formula will correct this situation in that it provides a method for determining more accurately than heretofore the quality of sugarcane delivered by individual producers. Although the total amount of sugar paid to all producers by a mill will not be affected by the use of this formula, payments as between individual producers may be affected to the extent that the previous formulae did not fully reflect sugarcane quality. Moreover, the change should provide an additional incentive to producers to improve the quality of sugarcane delivered.

Although not related to the problem of determining the quality of sugarcane, it is proposed that the suggested formula be employed as a means of alleviating a further problem of the Puerto Rican sugar industry. Under the settlement scale used in prior determinations, processors who made large outlays of capital to improve the efficiency of mills were required to pay producers the greater portion of any increase in sugar recovery resulting from such improvement. At certain points in the scale, producers received almost 80 percent of the increases in sugar recovery. The result was that processors received so little return from increased investments, and, in fact, failed to recover the cost of the increased investment for such a long period of time that there was little or no incentive for them to improve their mills. Under such conditions there is always danger of deterioration in general efficiency.

Under the proposed formula, the factors of normal juice extraction and boiling house efficiency would be fixed for the 1951–52 crop on the basis of the average of such factors for a recent crop year or a period of recent crop years. In successive crops, a moving average of these factors would be employed thereby permitting gains in sugar recovery to be passed on to producers in subsequent crops. The proposal would also tend to require the processor at least to maintain the average efficiency of the mill at the base period level. Producers, therefore, would be safeguarded against recovery losses due to accelerated grinding, decreased boiling house efficiency or other factors which may reduce sugar recoveries. On the other hand, processors who invested additional capital in improving the efficiency of the mill would retain for the first year of the moving base period all of the increase in sugar recovery and for each successive year would retain proportionately smaller amounts until such time as the original base period is dropped entirely from the computation.

(2) *Admissible selling and delivery expenses.* Selling and delivery expenses shall be the sum of those expenses actually incurred by a processor-producer for ocean freight, inland transportation in Puerto Rico, lighterage, charges arising out of the necessity of utilizing outside storage facilities (net of any receipts which reduce such expenses) and an amount not to exceed x cents per cwt. of 96° raw sugar to cover other selling and delivery expenses. Selling and delivery expenses are those expenses which commence with the unstacking of raw sugar at the warehouse and include expenses incidental to the delivery of raw sugar to the purchaser.

Expenses actually incurred shall be either actual payments to contractors for necessary services purchased or the cost incurred by the processor-producer in furnishing necessary services. The Director, PMA Caribbean Area Office, may, by administrative interpretation, permit the use of the lowest rate charged by a public utility or carrier for comparable service in lieu of costs actually incurred by the processor-producer in furnishing the necessary service in the event that the costs incurred therefor cannot be accurately determined.

In determining the f. o. b. mill price of raw sugar sold or processed in Puerto Rico, equivalent selling and delivery expenses as approved by the Director, Caribbean Area Office, PMA, San Juan, Puerto Rico, may be allowed in lieu of expenses actually incurred.

The purpose of the above proposal is to provide an incentive toward further improvements in the methods of selling and delivery of raw sugar and to simplify and standardize the determination of admissible expenses. Under this proposal, expenses for ocean freight, inland transportation in Puerto Rico, lighterage and charges arising out of the necessity of utilizing outside storage facilities may be admissible in the amounts actually incurred by the processor-producer. Other selling and delivery expenses previously allowed are to be included in a flat rate of x cents per cwt. of raw sugar. This amount would be applicable to all mills and the expenses included therein need not be itemized as has been the case in prior years. The definition also provides that credits are to be made for any receipts which have the effect of reducing the expense of items for which actual costs are allowed.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearings to express their views and present appropriate data in regard to the foregoing matters.

The hearings, after being called to order at the time and places mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officers.

Thomas H. Allen, Ward S. Stevenson, Wilmer Grayson and G. Laguardia are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearings.

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[1] Obtained by multiplying the polarization of the crusher juice by the applicable sucrose factor. Normal juice Brix is obtained in like manner. (The factors to be applied are the weighted average of the factors obtained over a given period.)

Issued this 6th day of September 1951.

[SEAL] G. F. GEISSLER, *Administrator.*

[F. R. Doc. 51-10889; Filed, Sept. 7, 1951; 8:57 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[No. S-29]

GRACE LINE, INC.

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference will be held in Room 4823, Commerce Building, Washington, D. C., on September 10, 1951, at 10 o'clock a. m., before Examiner Robert Furness, concerning review by the Board of the Operating-Differential Subsidy Agreement of Grace Line, Inc., with respect to combination passenger and freight vessels operated by the company on Trade Route No. 2, under Title VI of the Merchant Marine Act, 1936, as amended.

The prehearing conference will be conducted under § 201.59 of the Board's rules of procedure, for the purpose of considering:

(1) Simplification of the issues;
(2) The necessity or desirability of amendments to the pleadings;
(3) The possibility of obtaining admission of fact and of documents which will avoid unnecessary proof;
(4) Limitations on the number of witnesses;
(5) The procedure at the hearing;
(6) The distribution to the parties prior to the hearing of written testimony and exhibits;
(7) Consolidation of the examination of witnesses by counsel; and
(8) Such other matters as may aid in the disposition of the proceeding.

Also at the prehearing conference a date will be set for the hearing to receive evidence to determine whether vessels during the period January 1, 1947, to date, were operated under the registry of a foreign country which were or are substantial competitors of the combination passenger and cargo vessels operated by Grace Line, Inc., on Trade Route No. 2, and whether and to what extent operating subsidy aid is necessary to place the operation of such combination vessels on a parity with vessels of foreign competitors, and is reasonably calculated to carry out effectively the purposes and policy of said Act.

The hearing to receive such evidence will be conducted in conformity with the Board's rules of procedure (12 F. R. 6076), and a recommended decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to participate in the prehearing conference and in the proceeding should notify the Board on or before September 17, 1951, and should file petitions promptly for leave to intervene in accordance with § 201.81 of the Board's rules of procedure.

Dated: September 5, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 51-10878, Filed, Sept. 7, 1951; 8:57 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3910]

TRANS-NATIONAL AIRLINES, INC.

NOTICE OF HEARING

In the matter of the application of Trans-National Airlines, Inc. for an exception pursuant to section 291.16 of the Board's Economic Regulations and section 416 (b) of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on September 10, 1951 at 10:00 a. m. (e. d. s. t.) in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C. before Examiner Barron Fredricks.

Without limiting the scope of the issues presented by the application, particular atention will be directed to the following questions:

1. Is the enforcement of Title IV of the Civil Aeronautics Act, or any provision of such title, or any rule, regulation, term, condition, or limitation prescribed thereunder, an undue burden on Trans-National Airlines, Inc. by reason of the limited extent of, or unusual circumstances affecting, the operation of said air carrier, and is such enforcement not in the public interest?

2. Should Trans-National Airlines, Inc. be entrusted with authority to engage in irregular air transportation?

3. What limitations should be imposed on any exemption which may be granted to Trans-National Airlines, Inc.?

Notice is further given that any person, not a party of record, desiring to be heard in opposition to the application must file with the Board on or before September 10, 1951, a statement setting forth the issues of fact or law which he desires to contest. Any person filing such a statement may appear and participate at the hearing in accordance with § 302.6 (a) of the Procedural Regulations under Title IV of the Civil Aeronautics Act.

For further details of the service proposed and the relief requested, interested persons are referred to the application and to the report of prehearing conference on file with the Civil Aeronautics Board.

Dated at Washington, D. C., September 5, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51-10877; Filed, Sept. 7, 1951; 8:56 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Delegation of Authority 20]

DIRECTOR OF REGION 12

DELEGATION OF AUTHORITY TO ESTABLISH GROUP ADJUSTMENT OF CERTAIN CONTRACT CARRIER RATES IN ACCORDANCE WITH THE PROVISIONS OF SECTION 5 (D) OF SR. 39 TO GCPR

By virtue of the authority vested in me as Director of Price Stabilization pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this delegation of authority is hereby issued.

1. Authority of act under section 5 (d) of Supplementary Regulation 39 to the General Ceiling Price Regulation. Authority is hereby delegated to the Director of Region 12 of the Office of Price Stabilization to establish or adjust, on a uniform group basis, the ceiling rates of all contract carriers engaged in the transportation of milk in a local area in Region 12, provided individual applications are filed by a representative number of the carriers commonly engaged in handling that particular traffic, or by a user of such service.

The delegation of authority in this item shall take effect on September 8, 1951.

MICHAEL V. DISALLE, *Director of Price Stabilization.*

SEPTEMBER 7, 1951.

[F. R. Doc. 51-10951; Filed, Sept. 7, 1951; 11:13 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8714]

LAKEWOOD BROADCASTING CO.

ORDER ENLARGING ISSUES AND FOR FURTHER HEARING

In re application of Eldridge C. Harrell and Delbert Davison, d/b as Lakewood Broadcasting Company, Dallas, Texas, for construction permit, Docket No. 8714, File No. BP-6309.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of August 1951;

The Commission having under consideration the above-entitled application of Lakewood Broadcasting Company requesting a construction permit for a new standard broadcast station at Dallas, Texas, to operate on the frequency 1480 kc. with 1 kw. power, unlimited time, employing a directional antenna day and night; the record of the hearing on this application; and the petition filed August 7, 1951, by the Chief of the Commission's Broadcast Bureau requesting that the record herein be reopened, that the issues be enlarged, and that a further hearing be ordered; [1] and

[1] No opposition has been filed to this petition.

It appearing, that a hearing was held on this application and the mutually exclusive application of Charles L. Cain, Grand Prairie, Texas, (Docket No. 8543); that the record of the hearing was closed on January 29, 1951; that on April 20, 1951, the application of Charles L. Cain was dismissed at his request; that on May 14, 1951, after the close of the record herein, the United States Government was notified through proper channels of the operation of a new Mexican station (XEAR) on 1480 kc. at Monterrey (Nuevo Leon), Mexico; that the issues on which the Lakewood application was heard did not provide for a determination of whether or not the proposed operation would involve objectionable interference with foreign stations; that, therefore, the record does not contain evidence as to whether or not this proposal would involve objectionable interference with Station XEAR or other existing foreign broadcast stations; that the Lakewood proposal may involve objectionable interference with Station XEAR; that in view of the foregoing a further hearing herein is necessary; and that under the circumstances good cause has been shown for a grant of the instant petition.

Accordingly, it is ordered, That the petition of the Chief of the Commission's Broadcast Bureau, filed August 7, 1951, requesting that the record herein be reopened, that the issues be enlarged, and that a further hearing herein be ordered, is granted; that the record in this proceeding is reopened; and that a further hearing on this application is ordered upon the following issue: To determine whether the operation of the proposed station will involve objectionable interference with Station XEAR, Monterrey (Nuevo Leon), Mexico, or with any other existing foreign broadcast stations, and, if so, whether such interference would be in contravention of any international agreement or of the Commission's rules and standards.

Released: August 30, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-10857; Filed, Sept. 7, 1951; 8:53 a. m.]

[Docket Nos 10046, 10047]

AMERICAN BROADCASTING CO., ET AL

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In the matter of the applications of American Broadcasting Company (Transferor and Assignor), American Broadcasting-Paramount Theatres, Inc., (Transferee and Assignee), for consent to transfer of control of WXYZ, Inc., licensee of stations WXYZ, WXYZ-FM, WXYZ-TV (and KA-3136, KA-4865), Detroit, Michigan. For assignment of licenses, construction permits and STAs of stations: KECA, KECA-FM and KECA-TV (and KA-3014, 3015, 3017, 4420, KMD-95, 96), Los Angeles, California; KGO, KGO-FM, KGO-TV (and KA-4642, 4643, 4647, and 4441), San Francisco, California; WENR, WENR-FM, WENR-TV (and KA-4657, 4663, 4665, 6176, 4442 and 4443), Chicago, Illinois; WJZ, WJZ-FM (CP and STA), WJZ-TV (CP and STA) (and KA-4633, 4637, 4648, 4653, 4654, 5106, 6197, 4444, 4445, KEB-910), New York, New York; and United Paramount Theatres, Inc. (Transferor), American Broadcasting-Paramount Theatres, Inc. (Transferee), for consent to transfer of negative control of WSMB, Inc., licensee of stations WSMB and WSMB-FM (and BRRY-68, 69), New Orleans, Louisiana, Docket No. 10046, File Nos. BTC-1153, BAL-1221, BAL-1222, BAL-1223, BAL-1224, BTC-1154, BAPCT-24, BALVB-42, BALRE-95, BALRY-78, BAPH-148, BALCT-14, BALVB-39, BALRY-75, BALRE-91, BALH-70, BALCT-15, BALVB-40, BALRY-76, BALRE-92, BALH-71, BALCT-16, BALVB-41, BALRY-77, BALRE-94, BALH-72; and Dalaban and Katz Corporation (Assignor), Columbia Broadcasting System, Inc. (Assignee), for consent to assignment of license of WBKB-TV (and remote pick-ups KA-3428, KA-3429), Chicago, Illinois, Docket No. 10047, File Nos. BALCT-10, BALVB-38.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of August 1951;

The Commission having under consideration the above styled applications for consent to transfers of control and assignment of licenses; and

It appearing, that the Commission, on August 8, 1951, designated for hearing all the various applications for renewal of licenses, licenses, and modifications of construction permits held by Paramount Pictures, Inc., or its subsidiaries, together with applications for transfer of control of those subsidiaries to United Paramount Theatres, Inc., and Paramount Pictures Corporation; and

It further appearing, that the above styled applications involve certain questions relating to the qualifications of the parties, including a number of matters indeterminate at this time because of the pendency of the aforesaid hearing, and that, therefore, the Commission cannot at this time determine, under section 310 (b) and 319 (b) of the Communications Act of 1934, as amended, that grants of the above styled applications for consent to transfer of control and assignment of licenses are in the public interest, convenience and necessity;

It is ordered, Pursuant to sections 310 (b) and 319 (b) of the Communications Act of 1934, as amended, that all of the above styled applications are designated for hearing in a consolidated proceeding with the aforesaid applications for renewal of licenses, licenses, etc., of Paramount Pictures, Inc., and its subsidiaries and transfers of control of those subsidiaries at a time to be set by further order of the Commission, the above-entitled applications to be heard on the following issues:

1. To obtain full information with respect to the participation of any of the applicants, their officers, directors, stockholders, employees, or agents, in any violations of either Federal or State antitrust laws, the extent and character of such participation, and the results of any litigation flowing from such participation and more specifically to secure information as to:

a. Whether the violations committed were wilful or inadvertent.

b. Whether the violations were committed over a long period of time or, in terms of time, were isolated events.

c. Whether the violations were recent.

d. Whether the violations also constituted violations of sections 311 and 313 of the Communications Act.

2. To obtain full information with respect to the properties to be received by American Broadcasting - Paramount Theatres, Inc., and Columbia Broadcasting System, Inc., the considerations to be paid therefor and the terms of such payments and, in the event no monetary consideration is to be paid, the terms of the transactions resulting in the acquisition by the transferees of the properties in question.

3. To obtain full information with respect to the corporate structure of American Broadcasting-Paramount Theatres, Inc., and with respect to the legal, technical, financial and other qualifications of its officers, directors and stockholders.

4. To determine the policies to be pursued by American Broadcasting-Paramount Theatres, Inc. in the operation and control of the broadcast facilities proposed to be owned by it or its subsidiaries and to obtain full information as to the individual or individuals authorized to formulate and execute such policies.

5. To obtain full information with respect to the policies and plans of American Broadcasting-Paramount Theatres, Inc. relating to any arrangements contemplated for the televising of selected programs in theatres to the exclusion of other outlets.

6. To obtain full information with respect to the restrictions, if any, to be imposed by American Broadcasting-Paramount Theatres, Inc. on broadcast stations in the use, inter alia, of motion picture films or stories exhibited by transferee or restrictions imposed on broadcast stations in the use of talent under contract to or employed by the transferee.

7. To obtain full information with respect to the plans of the transferees for the staffing and programming of the broadcast stations proposed to be owned by them.

8. To obtain full information with respect to the plans of the transferee, American Broadcasting-Paramount Theatres, Inc., in the event of grant of its above applications, to comply with the Commission's rules and regulations relative to multiple ownership.

9. To determine whether the effect of the proposed merger of American Broadcasting-United Paramount Theatres, Inc., if consummated, would substantially lessen competition or tend to monopoly in any line of commerce, in any section of the country.

10. To determine in the light of the evidence adduced under the above issues,

whether the applicants, their officers, stockholders and directors, are qualified from the standpoint of character and conduct to be licensees, and whether grant of the above-styled applications would be in the public interest, convenience and necessity.

Released: August 31, 1951.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-10858; Filed, Sept. 7, 1951; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1721]

IOWA-ILLINOIS GAS AND ELECTRIC CO.

ORDER DENYING REQUEST FOR SHORTENED PROCEDURE AND FIXING DATE OF HEARING

AUGUST 31, 1951.

On June 18, 1951, Iowa-Illinois Gas and Electric Company (Applicant), an Illinois corporation with its principal place of business at Davenport, Iowa, filed an application requesting that the Commission determine that Applicant's proposed construction and operation of certain natural-gas transmission pipeline facilities are not subject to the jurisdiction of the Commission under the Natural Gas Act, or in the alternative, should the Commission determine that the construction and operation of such facilities are subject to the act, that it issue to the Applicant a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing Applicant to construct and operate certain transmission pipeline facilities, all as more fully described in its application on file with the Commission and open to public inspection.

Due notice of filing such application has been given, including publication in the FEDERAL REGISTER on July 6, 1951 (16 F. R. 6586).

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) for noncontested proceedings.

The Commission finds:

(1) Good cause has not been shown for granting Applicant's request that its application in Docket No. G-1721 be heard under the shortened procedure as provided by the Commission's rules of practice and procedure, and said request should be denied as hereinafter ordered.

(2) It is reasonable and good cause exists for fixing the date of the hearing in this proceeding less than 15 days after the publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) Iowa-Illinois Gas and Electric Company's request that its application in Docket No. G-1721 be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) be and the same is hereby denied.

(B) Pursuant to authority contained in and by virtue of the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held commencing on September 14, 1951 at 10:00 a. m. (e. d. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the application.

(C) Interested State commissions may participate as provided by § 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: September 4, 1951.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-10833; Filed, Sept. 7, 1951; 8:49 a. m.]

[Docket No. G-1732]

MANUFACTURERS LIGHT AND HEAT CO. ET AL.

ORDER FIXING DATE OF HEARING

AUGUST 31, 1951.

On June 29, 1951, The Manufacturers Light and Heat Company (Manufacturers), a Pennsylvania corporation, Cumberland and Allegheny Gas Company (Cumberland), a West Virginia corporation, and Home Gas Company (Home), a New York corporation (hereinafter referred to collectively as "Applicants"), each with its principal place of business at Pittsburgh, Pennsylvania, filed a joint application, supplemented on August 8, 1951, for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas transmission pipeline facilities, and for orders pursuant to section 7 (b) of the Natural Gas Act, authorizing and approving the abandonment and retirement of certain natural-gas facilities, all as more fully described in such application, as supplemented, on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicants having requested that their application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on July 18, 1951 (16 F. R. 6888-6889).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on September 28, 1951, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application, as supplemented: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the rules of practice and procedure.

Date of issuance: September 4, 1951.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-10834; Filed, Sept. 7, 1951; 8:49 a. m.]

[Docket No. G-1781]

UNITED FUEL GAS CO.

ORDER SUSPENDING PROPOSED TARIFF

AUGUST 31, 1951.

On August 6, 1951, United Fuel Gas Company (United Fuel) filed with the Commission its FPC Gas Tariff, Second Revised Volume No. 1. United Fuel requests the Commission to waive the notice requirements and make the said proposed Second Revised Volume No. 1 effective retroactively to July 16, 1951, in accordance with § 154.51 of the Commission's regulations under the Natural Gas Act.

Said Second Revised Volume No. 1, as filed, would result in an increase in the charge for natural gas service from an average of 21.9 cents per Mcf of natural gas sold thereunder to an average of 26.4 cents per Mcf. The proposed increase in charges would result in increased payments by United Fuel's customers amounting to $9,718,749, which is an increase of 20 percent, based upon the estimated sales during the twelve-months period ending June 20, 1952. United Fuel avers that the rate increase application is necessitated principally by the impact upon its purchased gas cost, of increased rate filed by United Fuel's supplier, Tennessee Gas Transmission Company. Such higher rates of Tennessee Gas Transmission Company are, however, not effective, and have been suspended by the Commission.

The increased rates and charges provided in said Second Revised Volume No. 1 have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

As required by § 154.16 of the Commission's Regulations under the Natural Gas Act, a copy of said Second Revised Volume No. 1 has been sent to each customer of United Fuel which would be affected thereby, and also to the State Commissions of West Virginia, Kentucky, Pennsylvania, and Ohio. The Portsmouth Gas Company, one of United Fuel's customers, has filed objections to the proposed increased charge, and has

[1] Commissioner Jones dissenting opinion filed as part of the original document.

requested that said Second Revised Volume No. 1 be suspended and a hearing held with respect to the reasonableness of the increased charge therein proposed.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of such act, concerning the lawfulness of United Fuel's FPC Gas Tariff, Second Revised Volume No. 1, and that said Second Revised Volume No. 1 be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision herein. Such suspension will operate automatically to dispose of United Fuel's request that the Commission make the said proposed increase in rates and charges effective as of July 16, 1951.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Commission concerning the lawfulness of rates, charges, and classifications contained in the aforesaid United Fuel Gas Company's FPC Gas Tariff, Second Revised Volume No. 1.

(B) Pending such hearing and decision thereon, said United Fuel Gas Company's FPC Gas Tariff, Second Revised Volume No. 1 be and the same is hereby suspended and the use thereof is deferred until February 6, 1952, and until Volume No. 1 may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: September 4, 1951.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 51-10835; Filed, Sept. 7, 1951; 8:49 a. m.]

[Docket No. G-1765]

HOPE NATURAL GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 4, 1951.

Take notice that on August 14, 1951, Hope Natural Gas Company (Applicant), a West Virginia corporation, having its principal place of business in Clarksburg, West Virginia, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of approximately 5.6 miles of 8⅝-inch transmission pipeline running east from Applicant's line in the Terra Alta field to the Maryland-West Virginia border. This line will connect with a proposed line to be constructed by New York State Natural Gas Corporation (New York) and will enable New York to sell and deliver natural gas to the Applicant, and will permit Applicant to render more adequate service to its present customers.

The cost of the proposed facilities is estimated to be $127,500 which Applicant will finance from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 24th day of September 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-10836; Filed, Sept. 7, 1951; 8:49 a. m.]

[Docket No. G-1766]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF APPLICATION

SEPTEMBER 4, 1951.

Take notice that on August 14, 1951, New York State Natural Gas Corporation (Applicant), a New York corporation, having its principal place of business in New York City, New York, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of approximately 8 miles of 8⅝-inch transmission pipeline from Applicant's production area in the Mountain Lake Park Gas Field to the Maryland-West Virginia border; the construction and operation of a 1,540 hp. compressor station near the eastern terminus of this line near Mountain Lake Park in Garrett County, Maryland: and the construction and operation of a measuring station at the terminus of this line at the Maryland-West Virginia border. This line will connect with a proposed line to be constructed by Hope Natural Gas Company (Hope) and will enable Applicant to sell and deliver natural gas to Hope.

The cost of the proposed facilities is estimated to be $483,500, which Applicant will finance with funds obtained by sale of its securities to its parent, Consolidated Natural Gas Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 24th day of September 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-10837; Filed, Sept. 7, 1951; 8:49 a. m.]

[Docket No. G-1774]

ALABAMA-TENNESSEE NATURAL GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 4, 1951.

Take notice that on August 23, 1951, Alabama-Tennessee Natural Gas Company (Applicant), a Delaware corporation, having its principal place of business at Florence, Alabama, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of approximately 2,950 feet of 4½-inch pipeline and 7,950 feet of 3½-inch pipeline, and metering and regulating equipment near Muscle Shoals, Alabama.

Through the proposed facilities, Applicant will sell and deliver up to 1,400 Mcf of natural gas per day to the U. S. Army Chemical Corp.'s chlorine-phosphate plant in Muscle Shoals, Alabama.

The estimated cost of the proposed facilities is $37,541, which will be financed from current funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 24th day of September 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-10838; Filed, Sept. 7, 1951; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26376]

CAST IRON PIPE FROM TEXAS TO ST. LOUIS, MO., DISTRICT

APPLICATION FOR RELIEF

SEPTEMBER 5, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3966.

Commodities involved: Cast iron pipe, fittings, and related articles, carloads.

From: Fort Worth, Lone Star, Marshall, Swan, and Tyler, Tex.

To: St. Louis, Mo., East St. Louis and Alton, Ill.

Grounds for relief: Competition with rail carriers and market competition.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3966, Supp. 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hear-

ing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-10848; Filed, Sept. 7, 1951; 8:54 a. m.]

[4th Sec. Application 26377]

ASPHALT AND ROAD OIL FROM SOUTHWEST TO NEW MEXICO

APPLICATION FOR RELIEF

SEPTEMBER 5, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3494.

Commodities involved: Asphalt and road oil, carloads.

From: Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas.

To: Points in New Mexico.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3494, Supp. 228.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-10849; Filed, Sept. 7, 1951; 8:54 a. m.]

[4th Sec. Application 26378]

ADIPIC ACID FROM ORANGE, TEX., TO WASHINGTON, W. VA.

APPLICATION FOR RELIEF

SEPTEMBER 5, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3967.

Commodities involved: Adipic acid, dry, carloads.

From: Orange, Tex.

To: Washington, W. Va.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3967, Supp. 32.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-10850; Filed, Sept. 7, 1951; 8:55 a. m.]

[Rev. S. O. 562, King's I. C. C. Order 53]

ANN ARBOR RAILROAD CO., ET AL.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Homer C. King, Agent, The Ann Arbor Railroad Company; The Chesapeake and Ohio Railway Company, Pere Marquette District; Grand Trunk Western Railroad Company; and The Pennsylvania Railroad Company, because of work stoppage on the Lake Michigan Car Ferries, are unable to transport traffic routed over their lines across Lake Michigan. It is ordered, That:

(a) *Rerouting traffic.* The Ann Arbor Railroad Company; The Chesapeake and Ohio Railway Company, Pere Marquette District; Grand Trunk Western Railroad Company; and The Pennsylvania Railroad Company being unable to transport traffic to points reached via Lake Michigan Car Ferries, because of work stoppage, are hereby authorized and directed to divert such traffic over any available route to expedite the movement, regardless of routing shown on the waybill, the billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) *Notification to shippers.* The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 9:00 a. m., September 1, 1951.

(g) *Expiration date.* This order shall expire at 11:59 p. m., October 1, 1951, unless otherwise modified, changed, suspended or annulled.

It is further ordered, that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., September 1, 1951.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 51-10846; Filed, Sept. 7, 1951; 8:54 a. m.]

[Rev. S. O. 562, King's I. C. C. Order 53-A]

ANN ARBOR RAILROAD CO., ET AL.

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of King's I. C. C. Order No. 53, and good cause appearing therefor: *It is ordered,* That:

(a) King's I. C. C. Order No. 53 be, and it is hereby vacated and set aside.

(b) *Effective date.* This order shall become effective 10:00 a. m., September 4, 1951.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., September 4, 1951.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 51-10847; Filed, Sept. 7, 1951; 8:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2673]

NORTHERN STATES POWER CO. ET AL.

NOTICE OF PROPOSED RECAPITALIZATION OF SUBSIDIARIES AND ELIMINATION OF OPEN ACCOUNT INDEBTEDNESS OF HOLDING COMPANY TO SUBSIDIARIES

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 31st day of August A. D. 1951.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 (the "act") by Northern States Power Company ("Northern States"), a registered holding company and public utility company, and by its wholly owned subsidiaries Saint Anthony Falls Water Power Company ("St. Anthony") and Minneapolis Mill Company ("Mill Company"), all Minnesota corporations. Applicants-declarants have designated sections 6, 7, 9, 10 and 12 of the act and Rules U-23, U-24, U-42, U-43, U-45, and U-46 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said application-declaration on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

In order to remove deficits in the surplus accounts of St. Anthony and Mill Company which will result from eliminating excess of book cost of the properties of said companies over original cost, in order to provide St. Anthony with further capital required by it in connection with the removal of its lower dam and the reconstruction of the appurtenant plant, and in order further to simplify and improve the capital structure and operations of the system, Northern States proposes to—

(a) Deliver and surrender or pay to St. Anthony—

(1) $2,001,000 principal amount of First Mortgage Bonds due November 1, 1948, of St. Anthony;

(2) $461,000 par value capital stock of St. Anthony;

(3) $95,000 (approximate) cash in part payment of the new plant; and

(b) Deliver and surrender to Mill Company—

(1) $500,000 principal amount of First Mortgage Bonds due November 1, 1948, of Mill Company;

(2) $260,000 par value capital stock of Mill Company

St. Anthony proposes to—

(a) Convey and assign to Northern States its Lower Dam plant, including plant site, building and construction work in progress on the reconstruction and conversion of the plant to a new plant of 8,000 kw. rated capacity generating 60-cycle energy, the instrument of conveyance to include provisions giving Northern States the use of the Lower Dam upon Northern States assuming the maintenance and operating costs of said dam and the tax liability thereon during the period of use;

(b) Issue and deliver to Northern States a new note in the principal amount of $269,000, dated the day of issue, bearing interest at the rate of 4 percent per annum and payable on demand; and

(c) Cancel and extinguish the open account indebtedness due it from Northern States of $1,215,056 and the additional open account indebtedness arising from the sale of the new plant to Northern States.

Mill Company proposes to—

(a) Issue and deliver to Northern States a new note in the principal amount of $210,000, dated the day of issue, bearing interest at the rate of 4 percent per annum and payable on demand; and

(b) Pay $199,000 (approximate) cash to Northern States on account of bonds due and payable.

The securities and cash to be delivered by Northern States to St. Anthony will be accepted by St. Anthony in full payment for the property and note to be delivered by it to Northern States. The securities to be delivered by Northern States to Mill Company will be accepted by Mill Company in full payment for the note to be delivered and as consideration of the cash to be paid by it to Northern States.

After the transactions proposed herein have been consummated, the excess of Northern States' investment in securities of St. Anthony and Mill Company over the aggregate of the principal amount and par value of the securities will be increased from approximately $573,000 to approximately $1,662,000, of which Northern States proposes to charge $1,295,214 forthwith to its paid-in surplus.

The companies request that the Commission in its order granting this application and making this declaration effective find that (a) the issuance to Northern States by St. Anthony of a new note in the principal amount of $269,000; and (b) the issuance to Northern States by Mill Company of a new note in the principal amount of $210,000 are necessary or appropriate to effectuate the provisions of section 11 (b) of the act and that the Commission make the specifications and itemizations necessary in order that the provisions of section 1808 (f) of the Internal Revenue Code shall be applicable.

Concurrently herewith applicants-declarants St. Anthony and Mill Company have filed statements relating to the original cost of their electric properties and to the reclassification of their hydro-electric plant accounts, together with a proposed plan for disposition of the adjustments arising from such reclassification (File No. 71-14); which proposed disposition is conditioned upon the issuance by the Commission of an order approving the transactions proposed herein.

Applicants-declarants allege that no State or other Federal commission has jurisdiction with respect to the proposed transactions or any part thereof.

All the expenses in connection with the proposed transactions, estimated at $8,000 and including $6,000 attorney's fees, will be borne by Northern States.

Applicants request that the Commission's order herein be made effective immediately upon issuance.

Notice is further given that any interested person may, not later than September 13, 1951 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request, and the issues, if any, of law or fact proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said application-declaration, as filed or as amended, may be granted and allowed to become effective as provided in Rule U-23 of the Rules and Regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-10841; Filed, Sept 7, 1951; 8:50 a. m.]

[File No. 71-12]

NORTHERN STATES POWER CO.

ORDER APPROVING DISPOSITION OF ADJUSTMENTS RELATING TO GAS PLANT

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 31st day of August A. D. 1951.

Northern States Power Company ("Northern"), a Minnesota corporation and a registered holding company and public utility company, having filed studies, and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 15 and 20 (b) thereof and Rule U-27 thereunder, relative to the original cost and reclassification of its gas plant accounts as at July 31, 1949, including proposals for the disposition of any balance of adjustments relating to gas plant, not previously disposed of by prior authorization, which proposals are summarized as follows:

On July 17, 1944, Northern initially filed original cost and reclassification studies of the company's gas plant accounts as at January 1, 1942. The studies were filed in accordance with Plant Instruction 2-D of the Uniform System of Accounts recommended by the National Association of Railroad and Utilities Commissioners for gas utilities (which System of Accounts is applicable to Northern by virtue of this Commission's Rule U-27 promulgated under the Public Utility Holding Company Act of 1935). In said studies, Northern represented that $8,157,080.89 had been reclassified to Account G. 100.5—Gas Plant Acquisition Adjustments, and a credit amount of $257,553.45 to Account G. 107—Gas Plant Adjustments.

The staff of the Commission made a field examination which projected the

studies up to July 31, 1949 and filed its report in connection therewith. Copies of the staff's report were submitted to the company. Northern has amended its studies to give effect to the recommendations contained in the staff's report so that, as of July 31, 1949, it reclassified an amount of $8,218,279.08 in Account G. 100.5—Gas Plant Acquisition Adjustments, and an amount of $914,889.72 in Account G. 107—Gas Plant Adjustments. Between the dates of filing of its original cost studies for gas plant with this Commission and for electric plant with the Federal Power Commission and July 31, 1949, Northern disposed of the greater portion of the adjustment accounts. Pursuant to an order of the Federal Power Commission, dated July 3, 1946, and an order of this Commission, dated December 20, 1946, Northern disposed of a total of $23,045,255.92 of combined Account 100.5 by charging $21,646,056.87 thereof to "Reserve for Possible Adjustments of Utility Plant Accounts and Other Balance Sheet Items," and $1,399,199.05 to Paid-in Surplus, and, furthermore, disposed of $8,753,460.73 of combined Account 107 by charging $7,853,943.14 to the aforementioned reserve and the balances to various other accounts. Included in the above-mentioned transactions, were dispositions by Northern of $8,218,279.08 of Account G. 100.5—Gas Plant Acquisition Adjustments and $809,774.78 of Account G. 107—Gas Plant Adjustments. As a result of such prior authorized transactions, Northern, as at July 31, 1949, had $105,114.94 in Account G. 107 pending disposition.

Northern proposes to eliminate the balance of $105,114.94 in Account G. 107 by charging $2,845.93 to Account 110—Other Physical Property and the remaining $102,269.01 to Account 250—Reserve for Depreciation of Gas Plant.

Notice of filing of such studies, and amendments thereto, having been duly given and the Commission not having received a request for hearing with respect to said matter within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

It appearing to the Commission that the proposals for the disposition of the remaining balance of the amount established in Account G. 107, in the manner described above, are consistent with the requirements of Rule U-27 of the general rules and regulations promulgated under the act:

It is ordered, That:

(A) Northern record the proposed entries on its books in order to eliminate the balance in Account 107 which was remaining as at July 31, 1949;

(B) Northern submit certified copies of the entries required by paragraph (A) hereof within sixty days from the date of this order.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-10842; Filed, Sept. 7, 1951; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 18409]

MASAKI HIRANO

In re: Rights of Masaki Hirano under Insurance Contract. File No. D-39-19222-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Masaki Hirano whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under contract of insurance evidenced by Policy No. WS-115623 issued by the California-Western States Life Insurance Company, Sacramento, California to Masaki Hirano, together with the right to demand, receive and collect said net proceeds, is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to or which is evidence of ownership or control by, Masaki Hirano, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of the Executive Order 9193, as amended.

Executed at Washington, D. C., on August 31, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-10866; Filed, Sept. 7, 1951; 8:55 a. m.]

[Vesting Order 18408]

JULIE AMMON BERNSTORFF ET AL.

In re: Trust Indenture of May 23, 1939; Julie Ammon Bernstorff, Settlor; Central Hanover Bank & Trust Company and Hans Bernstorff, Trustees. File No. D-66-349.

Under the authority of the Trading with the Enemy Act, as amended. Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Peter Clemens August Grauert, Hans Herbert Grauert, Else Bernstorff, Mrs. Dr. Elizabeth Buitkamp, Mrs. Carl Hosseus and Annemarie Hosseus, whose last known address is Germany, are residents of Germany, and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to and arising out of or under that certain trust indenture dated May 23, 1939, by and between Julie Ammon Bernstorff, settlor, and Central Hanover Bank and Trust Company and Hans Bernstorff, trustees, wherein Hans Bernstorff is primary income beneficiary and Luise Bernstorff Lippert is secondary income beneficiary, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 31, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-10865; Filed, Sept. 7, 1951; 8:55 a. m.]

[Vesting Order 18410]

ICHIRO MINE

In re: Rights of Ichiro Mine under Insurance Contract. File No. F-39-4673-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and

Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ichiro Mine whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under contract of insurance evidenced by Policy No. WS–60584 issued by the California-Western States Life Insurance Company, Sacramento, California to Ichiro Mine, together with the right to demand, receive and collect said net proceeds, is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ichiro Mine, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 31, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51–10867; Filed, Sept. 7, 1951; 8:55 a. m.]

[Vesting Order 18411]

HENRY SENGSTAKEN

In re: Rights of Henry Sengstaken under Insurance Contracts. Files Nos. F–28–29023–H–1; H–2 and H–3.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henry Sengstaken whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by Policies numbered 1 571 460 M, 1 082 757 M and 477 917 M issued by the Metropolitan Life Insurance Company, New York, New York, to Henry Sengstaken, together with the right to demand, receive and collect said net proceeds, is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Henry Sengstaken, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington D. C., on August 31, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51–10868; Filed, Sept. 7, 1951; 8:55 a. m.]

[Vesting Order 18412]

MRS. SHIN SHISHIDO AND HISASHI SHISHIDO

In re: Rights of Mrs. Shin Shishido and of Hisashi Shishido under Insurance Contract. File No. F–39–6523.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Shin Shishido and Hisashi Shishido, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under contract of insurance evidenced by Policy No. 758,401 issued by the Manufacturers Life Insurance Company, Toronto, Canada, to Mrs. Shin Shishido, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Mrs. Shin Shishido and Hisashi Shishido, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 31, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51–10869; Filed, Sept. 7, 1951; 8:56 a. m.]

[Vesting Order 18413]

NOBUSADA UMEMOTO

In re: Rights of Nobusada Umemoto under Insurance Contract. File No. D–39–18666–H–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Nobusada Umemoto, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under contract of insurance evidenced by Policy No. WS–63052 issued by the California-Western States Life Insurance Company, Sacramento, California, together with the right to demand, receive and collect said net proceeds, is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Nobusada Umemoto, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being

deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 31, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-10870; Filed, Sept. 7, 1951; 8:56 a. m.]

[Vesting Order 18414]

SATORU YOSHIMOTO

In re: Rights of Satoru Yoshimoto under Insurance Contract. File No. F-39-4553-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Satoru Yoshimoto whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under contract of insurance evidenced by Policy No. 7 699 023 issued by the New York Life Insurance Company, New York, New York to Katomi Yoshimoto, together with the right to demand, receive and collect said net proceeds, is property within the United States, owned or a controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Satoru Yoshimoto, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national' and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 31, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-10871; Filed, Sept. 7, 1951; 8:56 a. m.]

DR. EGON COHN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Dr. Egon Cohn, Shanghai, China; Claim No. 28557; $1,000 in the Treasury of the United States.

Executed at Washington, D. C., on September 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-10872; Filed, Sept. 7, 1951; 8:56 a. m.]